

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:**  
**WEDNESDAY, SEPTEMBER 8, 2004**  
**10:00 A.M. SPECTOR HALL**  
**22 READE STREET, NEW YORK 10007**

Yvette V. Gruel, Calendar Officer  
 22 Reade Street, Room 2E  
 New York, New York 10007-1216  
 (212) 720-3370

| CAL NO. | ULURP NO.       | CD NO | PROJECT NAME                | C.P.C. ACTION                 |
|---------|-----------------|-------|-----------------------------|-------------------------------|
| 1       | C 040215 ZMK    | 2     | WATCHTOWER PROJECT          | Scheduled to be Heard 9/22/04 |
| 2       | C 040216 ZSK    | 2     | “ ”                         | “ ”                           |
| 3       | C 040217 ZSK    | 2     | “ ”                         | “ ”                           |
| 4       | C 040490 HAK    | 4     | OZZIE WILSON SENIOR HOUSING | “ ”                           |
| 5       | C 040491 HUK    | 4     | “ ”                         | “ ”                           |
| 6       | N 050030 ZRM    | 4     | CLINTON BULK REGULATIONS    | “ ”                           |
| 7       | C 040437 PPQ    | 13    | STONERIDGE HOMES            | “ ”                           |
| 8       | C 040499 ZMM    | 4,5   | HUDSON YARDS                | Scheduled to be Heard 9/23/04 |
| 9       | N 040499(A) ZMM | 4,5   | “ ”                         | “ ”                           |
| 10      | N 040500 ZRM    | 4,5   | “ ”                         | “ ”                           |
| 11      | C 040500(A) ZRM | 4,5   | “ ”                         | “ ”                           |
| 12      | C 040501 PCM    | 4     | “ ”                         | “ ”                           |
| 13      | C 040502 PCM    | 4     | “ ”                         | “ ”                           |
| 14      | C 040503 PQM    | 4     | “ ”                         | “ ”                           |
| 15      | C 040504 PQM    | 4,5   | “ ”                         | “ ”                           |
| 16      | C 040505 PQM    | 4     | “ ”                         | “ ”                           |
| 17      | C 040506 PPM    | 4     | “ ”                         | “ ”                           |

| COMMISSION ATTENDANCE:                   | Present (P)<br>Absent (A) | COMMISSION VOTING RECORD:                       |    |    |    |    |    |    |    |    |    |    |    |    |    |
|--|---------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|
|  |                           | In Favor - Y Oppose - N Abstain - AB Recuse - R |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Calendar Numbers:                        |                           | 21  | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 |
| Amanda M. Burden, AICP, Chair            | P                         | Y   | Y  | Y  | Y  |    |    | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |
| Kenneth J. Knuckles, Esq., Vice Chairman | P                         | Y   | Y  | Y  | Y  |    |    | Y  | Y  | Y  | Y  | Y  | Y  | Y  | R  |
| Angela M. Battaglia                      | P                         | Y   | Y  | Y  | Y  | L  | L  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |
| Irwin Cantor, P.E.                       | P                         | Y   | Y  | Y  | Y  | A  | A  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | R  |
| Angela R. Cavaluzzi, R.A.                | P                         | Y   | Y  | Y  | Y  | I  | I  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |
| Richard W.Eaddy                          | P                         | Y   | Y  | Y  | Y  | D  | D  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |
| Alexander Garvin                         | A                         |   |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Jane D. Gol                              | P                         | Y   | Y  | Y  | Y  | O  | O  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |
| Christopher Kui                          | P                         | Y   | Y  | Y  | Y  | V  | V  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |
| John Merolo                              | P                         | Y   | Y  | Y  | Y  | E  | E  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |
| Karen A. Phillips                        | P                         | Y   | Y  | Y  | Y  | R  | R  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |
| Dolly Williams, Commissioners            | P                         | Y   | Y  | Y  | Y  |    |    | Y  | Y  | Y  | Y  | Y  | Y  | Y  | R  |

MEETING ADJOURNED AT: 11:10 A.M.

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:  
WEDNESDAY, SEPTEMBER 8, 2004  
10:00 A.M. SPECTOR HALL  
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer  
22 Reade Street, Room 2E  
New York, New York 10007-1216  
(212) 720-3370**

| CAL NO. | ULURP NO.    | CD NO | PROJECT NAME                              | C.P.C. ACTION                 |
|---------|--------------|-------|---|-------------------------------|
| 18      | C 040507 MMM | 4     | HUDSON YARDS                              | Scheduled to be Heard 9/23/04 |
| 19      | C 040508 MMM | 4     | " "                                       | " "                           |
| 20      | C 040442 HAX | 3     | PLAZOLETA HALL                            | Hearing Closed                |
| 21      | N 040229 HAX | 10    | BEATRICE CATULLO HOUSES                   | Favorable Report Adopted      |
| 22      | C 040515 ZMX | 8     | CENTRAL RIVERDALE/SPUYTEN DUYVIL REZONING | " "                           |
| 23      | C 040516 ZMX | 8     | VAN COURTLANDT VILLAGE REZONING           | " "                           |
| 24      | C 040521 HAX | 1     | COURTLANDT AVENUE APARTMENTS              | " "                           |
| 25      | C 030272 ZSX | 11    | WESTCHESTER CREEK CSO FACILITY            | Laid Over                     |
| 26      | C 030271 PCX | 11    | " "                                       | " "                           |
| 27      | C 030412 MMK | 6     | RED HOOK IKEA                             | Favorable Report Adopted      |
| 28      | C 030413 ZMK | 6     | " "                                       | " "                           |
| 29      | C 030414 ZSK | 6     | " "                                       | " "                           |
| 30      | C 030415 ZSK | 6     | " "                                       | " "                           |
| 31      | N 030416 ZAK | 6     | " "                                       | Authorization Approved        |
| 32      | C 040438 HAM | 11    | ODYSSEY HOUSE                             | Favorable Report Adopted      |
| 33      | C 040459 MCM | 11    | RANDALL'S ISLAND AQUATIC CENTER           | " "                           |
| 34      | C 040443 ZMM | 11    | HARLEM PARK HOTEL                         | " "                           |

| COMMISSION ATTENDANCE:                   | Present (P)<br>Absent (A) | COMMISSION VOTING RECORD:                       |    |    |    |    |    |    |    |  |  |  |  |  |  |
|--|---------------------------|---|----|----|----|----|----|----|----|--|--|--|--|--|--|
|  |                           | In Favor - Y Oppose - N Abstain - AB Recuse - R |    |    |    |    |    |    |    |  |  |  |  |  |  |
| Calendar Numbers:                        |                           | 35  | 36 | 37 | 38 | 39 | 40 | 41 | 41 |  |  |  |  |  |  |
| Amanda M. Burden, AICP, Chair            | P                         | Y   | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| Kenneth J. Knuckles, Esq., Vice Chairman | P                         | R   | R  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| Angela M. Battaglia                      | P                         | Y   | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| Irwin Cantor, P.E.                       | P                         | R   | R  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| Angela R. Cavaluzzi, R.A.                | P                         | Y   | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| Richard W. Eaddy                         | P                         | Y   | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| Alexander Garvin                         | A                         |   |    |    |    |    |    |    |    |  |  |  |  |  |  |
| Jane D. Gol                              | P                         | Y   | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| Christopher Kui                          | P                         | Y   | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| John Merolo                              | P                         | Y   | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| Karen A. Phillips                        | P                         | Y   | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |
| Dolly Williams, Commissioners            | P                         | R   | R  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |  |  |

MEETING ADJOURNED AT: 11:10 A.M.



**COMPREHENSIVE  
CITY PLANNING CALENDAR  
of  
The City of New York**

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**CITY PLANNING COMMISSION**

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**WEDNESDAY, SEPTEMBER 8, 2004**

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**MEETING AT 10:00 A.M. AT SPECTOR HALL  
22 READE STREET  
NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor**

**City of New York**

**[No. 17]**

**Prepared by Yvette V. Gruel, Calendar Officer**

**To view the Planning Commission Calendar and/or the Zoning Resolution  
on the World Wide Web, visit the Department of City Planning (DCP)  
home page at: [nyc.gov/planning](http://nyc.gov/planning)**

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**CITY PLANNING COMMISSION**

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GENERAL RULES OF PROCEDURE AS PERTAINING TO  
PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

**NOTE** - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

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**NOTICE--CALENDARS:** City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site ([www.nyc.gov/planning](http://www.nyc.gov/planning)). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

**For Calendar Information:** call (212) 720-3368, 3369, 3370.

**Note to Subscribers:** Notify us of change of address including E-mail by writing to:

**City Planning Commission**  
Calendar Information Office  
22 Reade Street - Room 2E  
New York, New York 10007-1216

**B**  
**CITY PLANNING COMMISSION**

22 Reade Street, New York, N.Y. 10007-1216

**AMANDA M. BURDEN**, *AICP, Chair*  
**KENNETH J. KNUCKLES**, *Esq., Vice Chairman*  
**ANGELA M. BATTAGLIA**  
**IRWIN G. CANTOR**, P.E.  
**ANGELA R. CAVALUZZI**, *R.A.*  
**RICHARD W. EADDY**  
**ALEXANDER GARVIN**  
**JANE D. GOL**  
**CHRISTOPHER KUI**  
**JOHN MEROLO**  
**KAREN A. PHILLIPS**  
**DOLLY WILLIAMS**, *Commissioners*  
**YVETTE V. GRUEL**, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a. m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

**ORDER OF BUSINESS AND INDEX**

**WEDNESDAY, SEPTEMBER 8, 2004**

|  |     |
|--|-----|
| Roll Call; approval of minutes .....                             | 1   |
| I. Scheduling of September 22, 2004 .....                        | 1   |
| IA. Scheduling of September 23, 2004 .....                       | 8   |
| II. Public Hearings .....  | 163 |
| III. Reports .....   | 164 |
| IV. Schedule of Meetings: July 1, 2004 - December 31, 2004 ..... | 183 |

**Community Board Public Hearing Notices are available in the  
Calendar Information Office, Room 2E, 22 Reade Street,  
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for September 22, 2004 at Spector Hall, 22 Reade Street, New York, at 10:00 a.m.

C

**GENERAL INFORMATION**

**HOW TO PARTICIPATE:**

**Signing up to speak:** Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

**Length of Testimony:** In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

**Written Comments:** If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION  
Calendar Information Office - Room 2E  
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject \_\_\_\_\_

Date of Hearing \_\_\_\_\_ Calendar No. \_\_\_\_\_

Borough \_\_\_\_\_ Identification No.: \_\_\_\_\_ CB No.: \_\_\_\_\_

Position: Opposed \_\_\_\_\_

In Favor \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Organization (if any) \_\_\_\_\_

Address \_\_\_\_\_ Title: \_\_\_\_\_

**SEPTEMBER 8, 2004**

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**APPROVAL OF MINUTES OF Regular Meeting of August 25, 2004**

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, SEPTEMBER 22, 2004  
STARTING AT 10:00 A.M.  
IN SPECTOR HALL, 22 READE STREET  
NEW YORK, NEW YORK**

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**BOROUGH OF BROOKLYN**

**Nos. 1, 2 and 3**

***WATCHTOWER PROJECT***

**No. 1**

**CD 2**

**C 040215 ZMK**

**IN THE MATTER OF** an application submitted by the Watchtower Bible and Tract Society of New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an **amendment of the Zoning Map, Section No. 12d:**

1. changing from an M1-2 District to an M1-2/R8 District property bounded by Front Street, Bridge Street, York Street, and Jay Street;
2. changing from an M1-2 District to a M1-2/R6 District property bounded by York Street, Bridge Street, the northerly boundary of a park and its easterly prolongation, and the easterly boundary of a park and its northerly prolongation, and
3. establishing a Special Mixed Use District (MX-2) bounded by Front Street, Bridge Street, the northerly boundary of a park and its easterly prolongation, the easterly boundary of a park and its northerly prolongation, York Street, and Jay Street;

as shown on a diagram (for illustrative purposes only) dated June 7, 2004, and subject to the conditions of CEQR Declaration E-134.

**Resolution for adoption scheduling September 22, 2004 for a public hearing.**

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**No. 2**

**CD 2**

**C 040216 ZSK**

**IN THE MATTER OF** an application submitted by the Watchtower Bible and Tract Society of New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution** to permit location of buildings without regard for the applicable:

- a) height and setback regulations as set forth in Section 123-662; and
- b) outer court and outer court recess regulations as set forth in Sections 123-61, 43-51, 24-632 and 24-633;

to facilitate the construction of a community facility building within a general large-scale development on a zoning lot, bounded by Front Street, Bridge Street, York Street, and Jay Street (Block 54, Lot 1), in an M1-2/R8\* District, within a Special Mixed Use District (MX-2)\*.

\*Note: The site is proposed to be rezoned by changing an M1-2 District to an M1-2/R8 District and by establishing a Special Mixed Use District (MX-2), under a related application (C 040215 ZMK) for an amendment of the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**Resolution for adoption scheduling September 22, 2004 for a public hearing.**

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**No. 3**

**CD 2**

**C 040217 ZSK**

**IN THE MATTER OF** an application submitted by the Watchtower Bible and Tract Society of New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution** to allow an unattended public parking garage with a maximum capacity of 1100 spaces on portions of two above grade floors (parking levels 1 and 2) and three cellar levels (parking levels 3, 4 and 5) and to allow up to 76,835 square feet of floor area on parking levels 1 and 2 below a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), of a proposed community facility building at 85 Jay Street within a general large-scale development on a zoning lot, bounded by Front Street, Bridge Street, York Street, and Jay Street (Block 54, Lot 1), in an M1-2/R8\* District, within a Special Mixed Use District (MX-2)\*.

\*Note: The site is proposed to be rezoned by changing an M1-2 District to an M1-2/R8 District and by establishing a Special Mixed Use District (MX-2), under a related application (C 040215 ZMK) for an amendment of the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**Resolution for adoption scheduling September 22, 2004 for a public hearing.**

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**Nos. 4 and 5**

***OZZIE WILSON SENIOR HOUSING***

**CD 4**

**C 040490 HAK**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- (1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) The designation of property located at 159 Covert Street (Block 3417, Lot 56), 186, 188 and 190 Eldert Street (Block 3417, Lots 6, 7 and 8), 567, 569, 571, 573 and 575 Central Avenue (Block 3417, Lots, 1-5), Site 40 within the Bushwick II Urban Renewal Area, as an Urban Development Action Area; and

- b) An Urban Development Action Area Project for such area; and
- (2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

**to facilitate development of a five-story building tentatively known as Ozzie Wilson Residence Senior Housing**, with approximately 66 units of low-income housing for senior citizens and one unit for a superintendent, to be developed under the HUD Section 202 Supportive Housing for the Elderly Program.

**Resolution for adoption scheduling September 22, 2004 for a public hearing.**

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**No. 5**

**CD 4**

**C 040491 HUK**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the 6<sup>st</sup> amendment to the Bushwick II Urban Renewal Plan for the Bushwick II Urban Renewal Area.

The proposed plan deletes the existing 3-story height limit for designated urban renewal sites.

This change would facilitate development of a five-story building (Site 40) with 66 units for senior citizens housing to be developed through the HUD Section 202 Supportive Housing for the Elderly Program and a new multi-family development on a portion of Site 79.

**Resolution for adoption scheduling September 22, 2004 for a public hearing.**

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**BOROUGH OF MANHATTAN**

**No. 6**

***CLINTON BULK REGULATIONS***

**CD 4**

**N050030 ZRM**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Section 96-104 (Height Regulations) to limit the height and bulk of new development within 100 feet of a wide street within the Preservation Area of the Special Clinton District.

Matter in underline is new, to be added

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

Matter within # # is defined in Section 12-10

\* \* \* indicate where unchanged text appears in the Zoning Resolution

Chapter 6

Special Clinton District

\* \* \*

96-10

PRESERVATION DISTRICT

\* \* \*

96-104

Height regulations

The height regulations of this Section apply to any #development# or #enlargement#. For all #zoning lots# or portions thereof located within 100 feet from the #street line# of a #wide street#, the height and setback regulations of the underlying districts shall apply.

The underlying height and setback regulations shall not apply, except as set forth in Sections 23-62 or 33-42 (Permitted Obstructions), as applicable. In lieu thereof, the height and setback provisions of this Section 96-104 shall apply to all #developments# and #enlargements#. All height shall be measured from #curb level#.

For #zoning lots# with #wide street# frontage, the #street wall# of a #building or other structure# shall be located on the #wide street line# and extend along the entire #wide street# frontage of the #zoning lot#. For #corner lots# with #narrow street# frontage, the #street wall# of the #building# shall be located on and extend along the #narrow street line# within 50 feet

of the #wide street#. Ground floor recesses up to three feet deep shall be permitted for access to building entrances. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no such recesses are within 30 feet of the intersection of two #street lines#.

Within 100 feet of a #wide street#, the #street wall# of a #building or other structure# shall rise without setback to a minimum height of 50 feet or the height of the #building#, whichever is less, and a maximum height of 66 feet. A setback shall be provided for all portions of #buildings# that exceed a height of 66 feet. Such setbacks shall be provided at a height not lower than 50 feet and not higher than 66 feet, and shall have a minimum depth of 10 feet, measured from any #street wall# facing a #wide street#, and a minimum depth of 15 feet, measured from any #street wall# facing a #narrow street#. No #building or other structure# shall exceed a height of 85 feet.

The height of a #building or other structure# on a #zoning lot# or portion thereof located more than 100 feet from the #street line# of a #wide street#, shall not exceed 7 #stories# or 66 feet above #curb level#, whichever is less. Beyond 100 feet of a #wide street#, no #building or other structure# shall exceed a height of 7 #stories# or 66 feet, whichever is less.

However, the City Planning Commission, by special permit, may modify the special height restrictions set forth in this Section for any #development# or #enlargement# on such #zoning lots#.

As a condition for such modification, the Commission shall find that the distribution of the #bulk# of the #development# or #enlargement# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height of such #development# or #enlargement# does not exceed 99 feet ~~above #curb level#~~ beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

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

\* \* \*

**Resolution for adoption scheduling September 22, 2004 for a public hearing.**

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**BOROUGH OF QUEENS**

**No. 7**

***STONERIDGE HOMES***

**CD 13**

**C 040437 PPQ**

**IN THE MATTER OF** an application by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for the disposition of one (1) city-owned property located at 240-02 North Conduit Avenue (Block 13264, Lot 18),** pursuant to zoning.

**Resolution for adoption scheduling September 22, 2004 for a public hearing.**

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SEPTEMBER 8, 2004

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**IA. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR THURSDAY, SEPTEMBER 23, 2004  
STARTING AT 9:00 A.M.  
AT FASHION INSTITUTE OF TECHNOLOGY  
(BUILDING C, HAFT AUDITORIUM, 2<sup>ND</sup> FLOOR)  
227 WEST 27<sup>TH</sup> STREET, BETWEEN 7<sup>TH</sup> & 8<sup>TH</sup> AVENUES  
NEW YORK, NEW YORK**

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**BOROUGH OF MANHATTAN**

**Nos. 8 - 19**

***HUDSON YARDS***

**CD 4 AND 5**

**C 040499 ZMM**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 8b, 8c and 8d:**

- 1. eliminating a Special Jacob K. Javits Convention Center District (CC) bounded by West 39<sup>th</sup> Street, the easterly boundary line of a Railroad Right-Of-Way, a line 450 feet easterly of Eleventh Avenue, West Thirty-Fourth Street, and Eleventh Avenue;**
- 2. eliminating a Special Garment Center District (GC) bounded by West 40<sup>th</sup> Street, Eighth Avenue, West 39<sup>th</sup> Street, and a line 100 feet easterly of Ninth Avenue;**
- 3. changing from a C6-2A District to a C1-7A District property bounded by West 37<sup>th</sup> Street, Ninth Avenue, West 35<sup>th</sup> Street, and a line 200 feet westerly of Ninth Avenue;**
- 4. changing from a C6-2M District to a C2-7A District property bounded by West 35<sup>th</sup> Street, a line 200 feet westerly of Ninth Avenue, a line midway between West Thirty-Fourth Street and West 35<sup>th</sup> Street, and a line 100 feet easterly of Tenth Avenue;**
- 5. changing from an M1-5 District to a C2-7A District property bounded by West 40<sup>th</sup> Street, a line 200 feet westerly of Ninth Avenue, West 35<sup>th</sup> Street, and a line 100 feet easterly of Tenth Avenue;**

6. **changing from a C6-3 District to a C2-8 District property bounded by** West 41<sup>st</sup> Street, Tenth Avenue, a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, the northerly centerline prolongation of Hudson Boulevard East\*\*, and the centerline of a Railroad Right-Of-Way;
7. **changing from an M1-5 District to a C2-8 District property bounded by** a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, Tenth Avenue, West 40<sup>th</sup> Street, a line 100 feet easterly of Tenth Avenue, West 35<sup>th</sup> Street, Tenth Avenue, West 36<sup>th</sup> Street, Hudson Boulevard East\*\*, West 38<sup>th</sup> Street, the easterly boundary line of a Park and its northerly and southerly prolongation, West 39<sup>th</sup> Street, and the northerly centerline prolongation of Hudson Boulevard East\*\*;
8. **changing from a C6-2 District to a C6-3X District property bounded by** West 31<sup>st</sup> Street, a line 100 feet westerly of Eighth Avenue, a line midway between West 30<sup>th</sup> Street and West 31<sup>st</sup> Street, and Ninth Avenue;
9. **changing from an M1-5 District to a C6-3X District property bounded by** West 30<sup>th</sup> Street, a line 150 feet easterly of Eighth Avenue, West 29<sup>th</sup> Street, and a line 100 feet easterly of Eighth Avenue;
10. **changing from a C6-2 District to a C6-4 District property bounded by:**
  - a. West 38<sup>th</sup> Street, Hudson Boulevard West\*\*, and a line 300 feet easterly of Eleventh Avenue;
  - b. West 36<sup>th</sup> Street, a line 250 feet easterly of Eleventh Avenue, West 35<sup>th</sup> Street, and Eleventh Avenue; and
  - c. West 33<sup>rd</sup> Street, a line 250 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, and Ninth Avenue;
11. **changing from a C6-2M District to a C6-4 District property bounded by** West 35<sup>th</sup> Street, a line 100 feet easterly of Tenth Avenue, a line midway between West Thirty-Fourth Street and West 35<sup>th</sup> Street, a line 200 feet westerly of Ninth Avenue, West 35<sup>th</sup> Street, a line 100 feet easterly of Ninth Avenue, West 33<sup>rd</sup> Street, and Tenth Avenue;
12. **changing from a C6-3 District to a C6-4 District property bounded by:**
  - a. West 41<sup>st</sup> Street and its easterly centerline prolongation at Dyer Avenue, Ninth Avenue, a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, and Tenth Avenue; and
  - b. the northerly centerline prolongation of Hudson Boulevard East\*\*, a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, and the centerline of

a Railroad Right-Of-Way,

13. **changing from an M1-5 District to a C6-4 District property bounded by:**
  - a. West 41<sup>st</sup> Street, the centerline of a Railroad Right-Of-Way, a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, the northerly centerline prolongation of Hudson Boulevard East\*\*, West 39<sup>th</sup> Street, the westerly boundary line of a Park and its northerly and southerly prolongations, West 38<sup>th</sup> Street, a line 300 feet easterly of Eleventh Avenue, West 37<sup>th</sup> Street, and Eleventh Avenue;
  - b. a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, a line 200 feet westerly of Ninth Avenue, West 40<sup>th</sup> Street, and Tenth Avenue;
  - c. West 40<sup>th</sup> Street, a line 150 feet westerly of Eighth Avenue, West 39<sup>th</sup> Street, and a line 100 feet easterly of Ninth Avenue;
  - d. West 36<sup>th</sup> Street, Hudson Boulevard West\*\*, West 35<sup>th</sup> Street, and a line 250 feet easterly of Eleventh Avenue; and
  - e. West 36<sup>th</sup> Street, Tenth Avenue, West 33<sup>rd</sup> Street, Ninth Avenue, West 30<sup>th</sup> Street, Eleventh Avenue, West Thirty-Fourth Street, the westerly boundary line of a Park and its northerly and southerly prolongations, West 33<sup>rd</sup> Street, and Hudson Boulevard East\*\*;
14. **changing from an M1-6 District to a C6-4 District property bounded by:**
  - a. West 40<sup>th</sup> Street, Eighth Avenue, West 39<sup>th</sup> Street, and a line 150 feet westerly of Eighth Avenue; and
  - b. West 33<sup>rd</sup> Street, Ninth Avenue, West 31<sup>st</sup> Street, and Tenth Avenue;
15. **changing from an M3-2 District to a C6-4 District property bounded by** West 43<sup>rd</sup> Street, Eleventh Avenue, a line midway between West Forty-Second Street and West 43<sup>rd</sup> Street, and a line 450 feet westerly of Eleventh Avenue;
16. **changing from an M1-5 District to a C6-4M District property bounded by** West 39<sup>th</sup> Street, a line 150 feet westerly of Eighth Avenue, West 35<sup>th</sup> Street, and a line 100 feet easterly of Ninth Avenue;
17. **changing from an M1-6 District to a C6-4M District property bounded by** West 39<sup>th</sup> Street, a line 100 feet westerly of Eighth Avenue, West 35<sup>th</sup> Street, and a line 150 feet westerly of Eighth Avenue;
18. **changing from a C6-2 District to a C6-6 District property bounded by** West

33<sup>rd</sup> Street, a line 100 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, and a line 250 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue);

19. **changing from a C6-4 District to a C6-6 District property bounded by** West 33<sup>rd</sup> Street, Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, and a line 100 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue);
20. **changing from an M1-5 District to an M1-6 District property bounded by** West 31<sup>st</sup> Street, a line 100 feet westerly Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 28<sup>th</sup> Street, a line 100 feet easterly of Eighth Avenue, West 29<sup>th</sup> Street, a line 150 feet easterly of Eighth Avenue, West 30<sup>th</sup> Street and a line 100 feet easterly of Eighth Avenue;
21. **establishing a Special Midtown District (MiD) bounded by** West 33<sup>rd</sup> Street, a line 100 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, and a line 250 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue); and
22. **establishing a Special Hudson Yards District (HY) bounded by** West 41<sup>st</sup> Street and its easterly centerline prolongation at Dyer Avenue, Ninth Avenue, West 40<sup>th</sup> Street, Eighth Avenue, West 39<sup>th</sup> Street, a line 100 feet easterly of Ninth Avenue, West 35<sup>th</sup> Street, Eighth Avenue, West 33<sup>rd</sup> Street, a line 250 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, a line 100 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 28<sup>th</sup> Street, a line 100 feet easterly of Eighth Avenue, West 29<sup>th</sup> Street, a line 150 feet easterly of Eighth Avenue, West 30<sup>th</sup> Street, a line 100 feet easterly of Eighth Avenue, West 31<sup>st</sup> Street, Ninth Avenue, West 30<sup>th</sup> Street, and Eleventh Avenue;

partially within the Special Midtown District (MiD), partially within the Special Garment Center District (GC), partially within the Special Clinton District (CL), Community Districts 4 and 5, Borough of Manhattan, as shown on a diagram (for illustrative purposes only) dated June 21, 2004, and subject to the conditions of CEQR Declaration E-137.

\*\* Note: Hudson Boulevard East and Hudson Boulevard West are proposed to be mapped under a related application (C 040507 MMM) for a change in the City Map.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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## No. 9

CD 4 AND 5

C 040499(A) ZMM

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure **for an amendment of the Zoning Map, Section Nos. 8b, 8c and 8d:**

1. **eliminating a Special Jacob K. Javits Convention Center District (CC) bounded by** West 39<sup>th</sup> Street, the easterly boundary line of a railroad Right-Of-Way, a line 450 feet easterly of Eleventh Avenue, West Thirty-Fourth Street, and Eleventh Avenue;
2. **eliminating a Special Garment Center District (GC) bounded by** West 40<sup>th</sup> Street, Eighth Avenue, West 39<sup>th</sup> Street, and a line 100 feet easterly of Ninth Avenue;
3. **changing from a C6-2M District to an R9A District property bounded by** West 35<sup>th</sup> Street, a line 200 feet westerly of Ninth Avenue, a line midway between West Thirty-Fourth Street and West 35<sup>th</sup> Street, and a line 100 feet easterly of Tenth Avenue;
4. **changing from an M1-5 District to an R9A District property bounded by** West 40<sup>th</sup> Street, a line 200 feet westerly of Ninth Avenue, West 35<sup>th</sup> Street, and a line 100 feet easterly of Tenth Avenue;
5. **changing from a C6-2A District to a C1-7A District property bounded by** West 37<sup>th</sup> Street, Ninth Avenue, West 35<sup>th</sup> Street, and a line 200 feet westerly of Ninth Avenue;
6. **changing from a C6-3 District to a C1-7A District property bounded by** West 41<sup>st</sup> Street and its easterly centerline prolongation at Dyer Avenue, Ninth Avenue, a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, and a line 200 feet westerly of Ninth Avenue;
7. **changing from a C6-3 District to a C2-8 District property bounded by** West 41<sup>st</sup> Street, a line 150 feet easterly of Tenth Avenue, a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, the northerly centerline prolongation of Hudson Boulevard East\*\*, and the centerline of a Railroad Right-Of-Way;
8. **changing from a C6-3 District to a C6-4 District property bounded by** the northerly centerline prolongation of Hudson Boulevard East\*\*, a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, and the centerline of a railroad

Right-Of-Way,

9. **changing from an M1-5 District to a C2-8 District property bounded by** a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, a line 150 feet easterly of Tenth Avenue, West 40<sup>th</sup> Street, a line 100 feet easterly of Tenth Avenue, West 35<sup>th</sup> Street, Tenth Avenue, West 36<sup>th</sup> Street, Hudson Boulevard East\*\*, West 38<sup>th</sup> Street, the easterly boundary line of a Park and its northerly and southerly prolongation, West 39<sup>th</sup> Street, and the northerly centerline prolongation of Hudson Boulevard East\*\*;
10. **changing from an M1-5 District to a C6-3 District property bounded by** a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, a line 200 feet westerly of Ninth Avenue, West 40<sup>th</sup> Street, and a line 150 feet easterly of Tenth Avenue;
11. **changing from a C6-2 District to a C6-3X District property bounded by** West 31<sup>st</sup> Street, a line 100 feet westerly of Eighth Avenue, a line midway between West 30<sup>th</sup> Street and West 31<sup>st</sup> Street, and Ninth Avenue;
12. **changing from a C6-2 District to a C6-4 District property bounded by:**
  - a. West 38<sup>th</sup> Street, Hudson Boulevard West\*\*, and a line 300 feet easterly of Eleventh Avenue;
  - b. West 36<sup>th</sup> Street, a line 250 feet easterly of Eleventh Avenue, West 35<sup>th</sup> Street, and Eleventh Avenue; and
  - c. West 33<sup>rd</sup> Street, a line 250 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, and Ninth Avenue;
13. **changing from a C6-2M District to a C6-4 District property bounded by** West 35<sup>th</sup> Street, a line 100 feet easterly of Tenth Avenue, a line midway between West Thirty-Fourth Street and West 35<sup>th</sup> Street, a line 200 feet westerly of Ninth Avenue, West 35<sup>th</sup> Street, a line 100 feet easterly of Ninth Avenue, West 33<sup>rd</sup> Street, and Tenth Avenue;
14. **changing from an M1-5 District to a C6-4 District property bounded by:**
  - a. West 41<sup>st</sup> Street, the centerline of a railroad Right-Of-Way, a line midway between West 40<sup>th</sup> Street and West 41<sup>st</sup> Street, the northerly centerline prolongation of Hudson Boulevard East\*\*, West 39<sup>th</sup> Street, the westerly boundary line of a Park and its northerly and southerly prolongations, West 38<sup>th</sup> Street, a line 300 feet easterly of Eleventh Avenue, West 37<sup>th</sup> Street, and Eleventh Avenue;
  - b. West 40<sup>th</sup> Street, a line 150 feet westerly of Eighth Avenue, West 39<sup>th</sup> Street,

and a line 100 feet easterly of Ninth Avenue;

- c. West 36<sup>th</sup> Street, Hudson Boulevard West\*\*, West 35<sup>th</sup> Street, and a line 250 feet easterly of Eleventh Avenue; and
  - d. West 36<sup>th</sup> Street, Tenth Avenue, West 31<sup>st</sup> Street, Ninth Avenue, West 30<sup>th</sup> Street, Eleventh Avenue, West Thirty-Fourth Street, the westerly boundary line of a Park and its northerly and southerly prolongations, West 33<sup>rd</sup> Street, and Hudson Boulevard East\*\*;
15. **changing from an M1-6 District to a C6-4 District property bounded by:**
    - a. West 40<sup>th</sup> Street, Eighth Avenue, West 39<sup>th</sup> Street, and a line 150 feet westerly of Eighth Avenue; and
    - b. West 33<sup>rd</sup> Street, Ninth Avenue, West 31<sup>st</sup> Street, and Tenth Avenue;
  16. **changing from an M3-2 District to a C6-4 District property bounded by** West 43<sup>rd</sup> Street, Eleventh Avenue, a line midway between West Forty-Second Street and West 43<sup>rd</sup> Street, and a line 450 feet westerly of Eleventh Avenue;
  17. **changing from an M1-5 District to a C6-4M District property bounded by** West 39<sup>th</sup> Street, a line 150 feet westerly of Eighth Avenue, West 35<sup>th</sup> Street, and a line 100 feet easterly of Ninth Avenue;
  18. **changing from an M1-6 District to a C6-4M District property bounded by** West 39<sup>th</sup> Street, a line 100 feet westerly of Eighth Avenue, West 35<sup>th</sup> Street, and a line 150 feet westerly of Eighth Avenue;
  19. **changing from a C6-2 District to a C6-6 District property bounded by** West 33<sup>rd</sup> Street, a line 100 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, and a line 250 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue);
  20. **changing from a C6-4 District to a C6-6 District property bounded by** West 33<sup>rd</sup> Street, Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, and a line 100 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue);
  21. **establishing a C2-5 District within a proposed R9A District bounded by** West 40<sup>th</sup> Street, a line 200 feet westerly of Ninth Avenue, a line midway between West Thirty-Fourth Street and West 35<sup>th</sup> Street, and a line 100 feet easterly of Tenth Avenue;
  22. **establishing a Special Midtown District (MiD) bounded by** West 33<sup>rd</sup> Street,

a line 100 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, and a line 250 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue); and

- 23. **establishing a Special Hudson Yards District (HY) bounded by** West 41<sup>st</sup> Street and its easterly centerline prolongation at Dyer Avenue, Ninth Avenue, West 40<sup>th</sup> Street, Eighth Avenue, West 39<sup>th</sup> Street, a line 100 feet easterly of Ninth Avenue, West 35<sup>th</sup> Street, Eighth Avenue, West 33<sup>rd</sup> Street, a line 250 feet westerly of Seventh Avenue (7<sup>th</sup> Avenue-Fashion Avenue), West 31<sup>st</sup> Street, Ninth Avenue, West 30<sup>th</sup> Street, and Eleventh Avenue;

partially within the Special Midtown District (MiD), partially within the Special Garment Center District (GC), partially within the Special Clinton District (CL), Community Districts 4 and 5, Borough of Manhattan, as shown on a diagram (for illustrative purposes only) dated August 30, 2004, and subject to the conditions of CEQR Declaration E-137.

\*\* Note: Hudson Boulevard East and Hudson Boulevard West are proposed to be mapped under a related application (C 040507 MMM) for a change in the City Map.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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**No. 10**

**CD 4 AND 5**

**N 040500 ZRM**

**IN THE MATTER OF** an application submitted by the Department of City planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII Chapter 1 (Special Midtown District), Article IX Chapter 6 (Special Clinton District), Article XII Chapter 1 (Special Garment Center District), and the elimination of the Special Jacob K. Javits Convention Center District and the creation of the Special Hudson Yards District in Article IX, Chapter 3.

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

\* \* \*

**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, 30<sup>th</sup> Street, the Hudson River and 42<sup>nd</sup> 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**

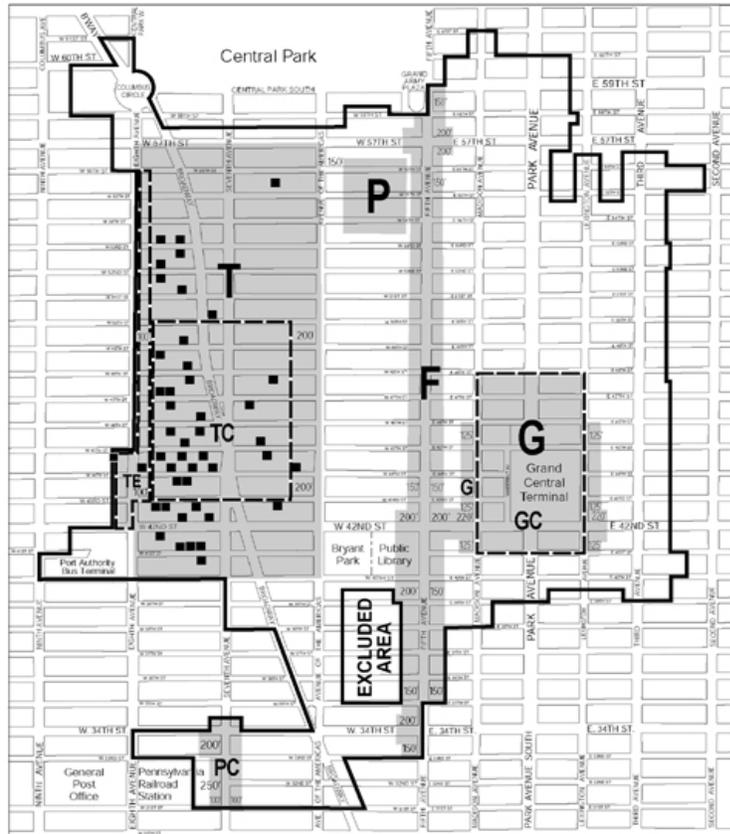
\* \* \*

**ARTICLE VIII SPECIAL PURPOSE DISTRICTS**

**CHAPTER 1 SPECIAL MIDTOWN DISTRICT**

\* \* \*

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

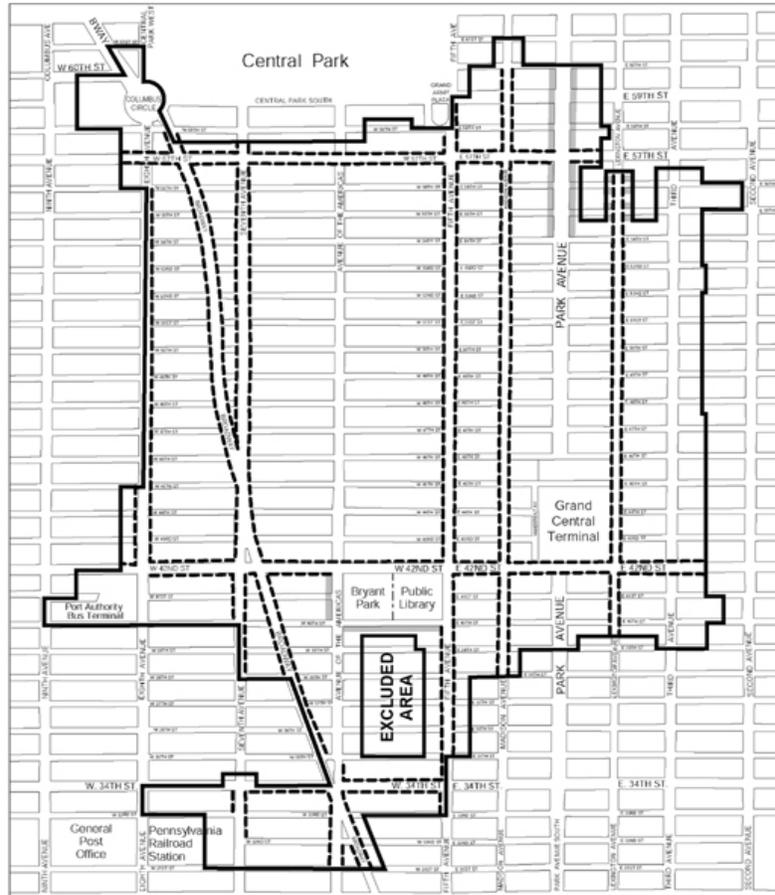


**MIDTOWN DISTRICT PLAN**  
 MAP 1 - Special Midtown District and Subdistricts

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

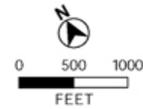


**APPENDIX A**  
**Midtown District Plan Maps**  
Map 2. Retail & Street Wall Continuity



**MIDTOWN DISTRICT PLAN**  
**MAP 2 - Retail and Street Wall Continuity**

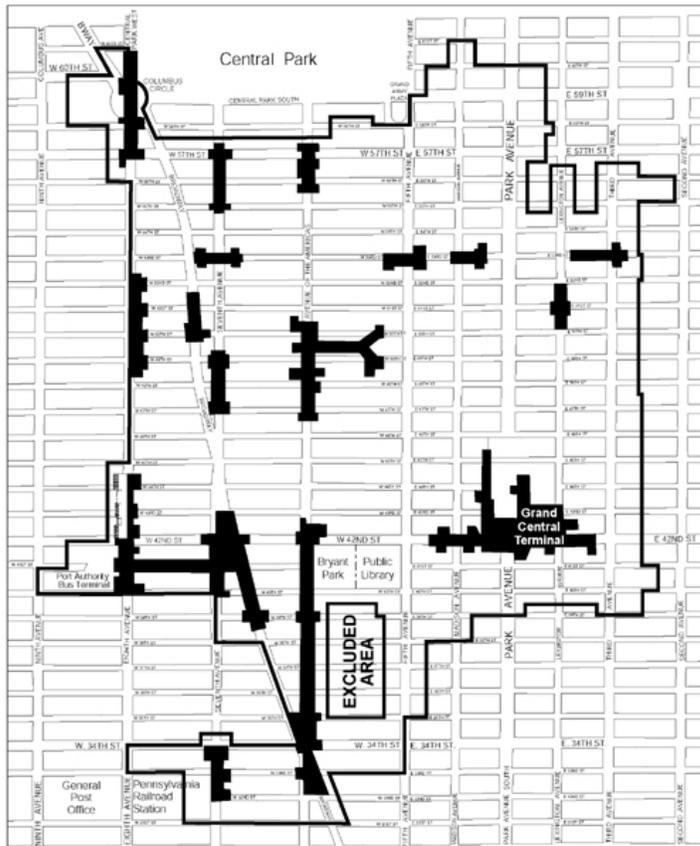
- Retail and Street Wall Continuity required
- Only Street Wall Continuity required
- Special Midtown District



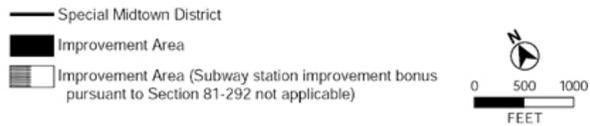
**APPENDIX A**

**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



**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 42<sup>nd</sup> 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 93-15:

- 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 35<sup>th</sup> through West 39<sup>th</sup> 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 35<sup>th</sup>, West 36<sup>th</sup>, West 37<sup>th</sup>, West 38<sup>th</sup> or West 39<sup>th</sup> #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 39<sup>th</sup> Street, and its southerly prolongation to West 33<sup>rd</sup> 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>               |
|---|--|--------------------------------------|
| <b>ROW A</b><br>Basic maximum #floor area ratio#  | <b>10 total</b><br>10C<br>2CF              | <b>10 total</b><br>10C<br>2CF        |
| <b>ROW B</b><br>Maximum #floor area ratio# through bonus pursuant to Section 93-31 or transfer pursuant to Section 93-32. | <b>18 total</b><br>18C<br>2CF              | <b>18 total</b><br>18C<br>2CF        |
| <b>ROW C</b><br>Maximum #floor area ratio# through distribution pursuant to Section 93-33                                 | <b>No limit</b><br>No limit C<br>4R<br>2CF | <b>24 total</b><br>24 C<br>4R<br>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<br>(Subdistrict B)  |                               |                               | 34th St Corridor<br>(Subdistrict C)    | Tenth Ave Corridor<br>(Subdistrict D)   |  | Other Areas<br>(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>             |
| <b>ROW A</b><br>Basic maximum #floor area ratio#  | <b>10 total</b><br>10C<br>2CF       | <b>10 total</b><br>10C<br>2CF | <b>10 total</b><br>10C<br>2CF | <b>10 total</b><br>10C<br>7.5R<br>10CF | <b>7.5 total</b><br>2C<br>7.5R<br>7.5CF | <b>7.5 total</b><br>2C<br>7.5R<br>7.5CF    | <b>10 total</b><br>10C<br>2CF  | <b>10 total</b><br>10C<br>2CF | <b>10 total</b><br>10C<br>10CF<br>10M |
| <b>ROW B</b><br>Maximum #floor area ratio# through bonus pursuant to Section 93-31, transfer pursuant to Section 93-32, or Inclusionary Housing | <b>18 total</b><br>18C<br>6R<br>2CF | <b>15 total</b><br>15C<br>2CF | <b>15 total</b><br>15C<br>2CF | <b>13 total</b><br>13C<br>12R<br>12CF  | <b>15 total</b><br>3C<br>12R<br>12CF    | <b>13 total</b><br>3C<br>3C<br>12R<br>12CF | <b>18 total</b><br>18C<br>2CF  | <b>18 total</b><br>18C<br>2CF | <b>12 total</b><br>12C<br>12CF<br>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 42<sup>nd</sup> 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 42<sup>nd</sup> 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 improve-

ment, 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 35<sup>th</sup>, West 36<sup>th</sup>, West 37<sup>th</sup>, West 38<sup>th</sup>, West 39<sup>th</sup> or West 40<sup>th</sup> Street #street# frontage of the #zoning lot# .

For all #zoning lots# with frontage along the southerly #street lines# of West 36<sup>th</sup> through West 41<sup>st</sup> 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 33<sup>rd</sup> and West 35<sup>th</sup> Streets, the westerly #street line# and sidewalk widening lines of Hudson Boulevard shall be prolonged southward to West 33<sup>rd</sup> Street.

- (b) West 34<sup>th</sup> Street

The #street wall# of any #development# or #enlargement# shall be located on the West 34<sup>th</sup> Street sidewalk widening line and extend along at least 70 percent of the West 34<sup>th</sup> 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 34<sup>th</sup> 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 34<sup>th</sup> 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 34<sup>th</sup> 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 30<sup>th</sup> Street or West 33<sup>rd</sup> 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 33<sup>rd</sup> 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 33<sup>rd</sup> 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 33<sup>rd</sup> Street #street line# does not exceed 50 percent of the length of the West 33<sup>rd</sup> 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 31<sup>st</sup> and West 33<sup>rd</sup> 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 31<sup>st</sup> and West 33<sup>rd</sup> Street #street lines#, as applicable. As an alternative, if the entire #building# is set back at least 10 feet from the West 31<sup>st</sup> or West 33<sup>rd</sup> Street #street line#, such #building# may rise without setback along such #street#.

### 93-53

#### Special Height and Setback Regulations in the 34<sup>th</sup> Street Corridor (Subdistrict C)

- (a) 34<sup>th</sup> Street

For #zoning lots# with frontage on 34<sup>th</sup> Street, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire West 34<sup>th</sup> 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 34<sup>th</sup> 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 33<sup>rd</sup> 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 33<sup>rd</sup> 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 41<sup>st</sup> Street, a line 175 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 41<sup>st</sup> 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 34<sup>th</sup> Street, a line 75 feet north of and parallel to West 34<sup>th</sup> 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 36<sup>th</sup> Street, a line 90 feet east of and parallel to Eleventh Avenue, a line 50 feet south of and parallel to West 36<sup>th</sup> Street, a line 50 feet east of and parallel to 11<sup>th</sup> Avenue, and West 34<sup>th</sup> Street. The entrance shall be accessed from West 36<sup>th</sup> Street or 11<sup>th</sup> Avenue within 50 feet of West 36<sup>th</sup> Street;

The area bounded by West 41<sup>st</sup> Street, the easterly #lot line# of Block 1069, Lot 1, West 40<sup>th</sup> 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 40<sup>th</sup> and West 41<sup>st</sup> 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 40<sup>th</sup> 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 32<sup>nd</sup> 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 31<sup>st</sup> Street, the Lincoln Tunnel Approach and West 33<sup>rd</sup> 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 32<sup>nd</sup> 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 31<sup>st</sup> Street and West 33<sup>rd</sup> 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 31<sup>st</sup> Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31<sup>st</sup> 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 31<sup>st</sup> Street and Eighth Avenue and West 33<sup>rd</sup> 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 31<sup>st</sup> 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 34<sup>th</sup> Street, and along the north side of West 35<sup>th</sup>, West 36<sup>th</sup>, West 37<sup>th</sup> and West 38<sup>th</sup> 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 34<sup>th</sup> Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33<sup>rd</sup> Street or West 35<sup>th</sup> 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 31<sup>st</sup> and West 33<sup>rd</sup> Streets. In the Pennsylvania Station Subarea, the maximum aggregate width of curb cuts on West 33<sup>rd</sup> Street shall be 90 feet. On the south side of West 33<sup>rd</sup> 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**

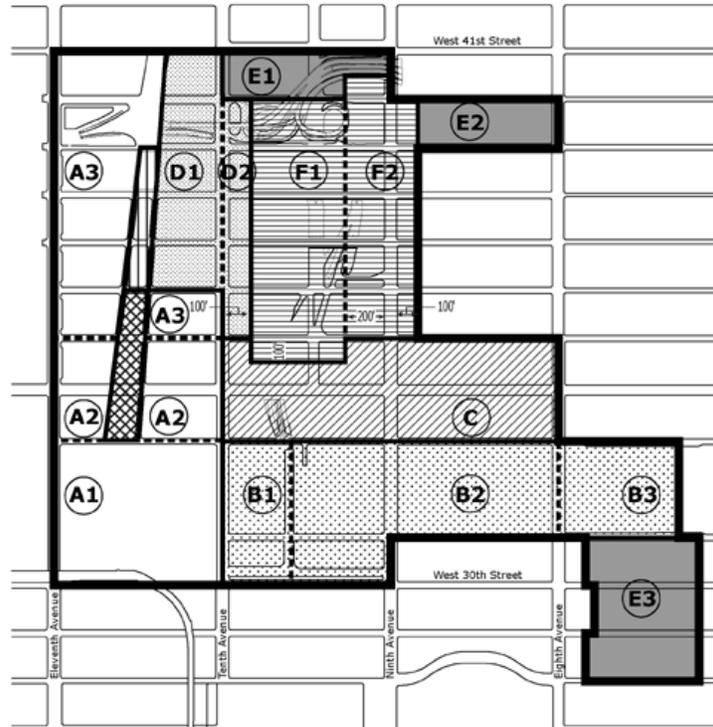
Along the north side of West 35<sup>th</sup>, West 36<sup>th</sup>, West 37<sup>th</sup>, and West 38<sup>th</sup> Streets between Tenth and Eleventh Avenues, for #zoning lots# greater than 20,000 square feet, the City Planning Commission may authorize curb cuts provided the Commission finds that such 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.

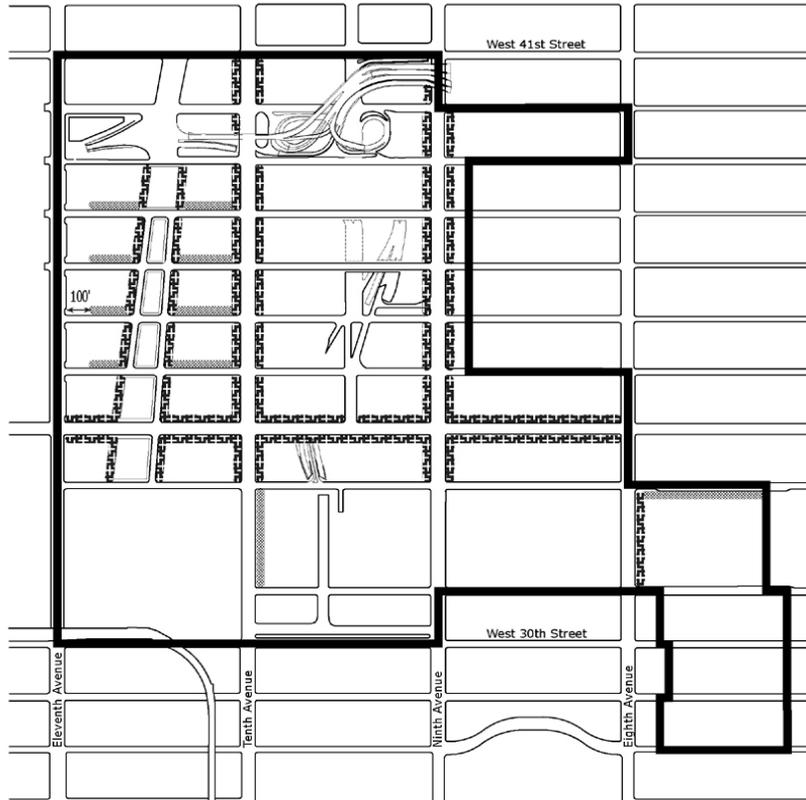
\* \* \*

**SPECIAL HUDSON YARDS DISTRICT**  
**Map 1 - Special Hudson Yards District, Subdistricts and Subareas**



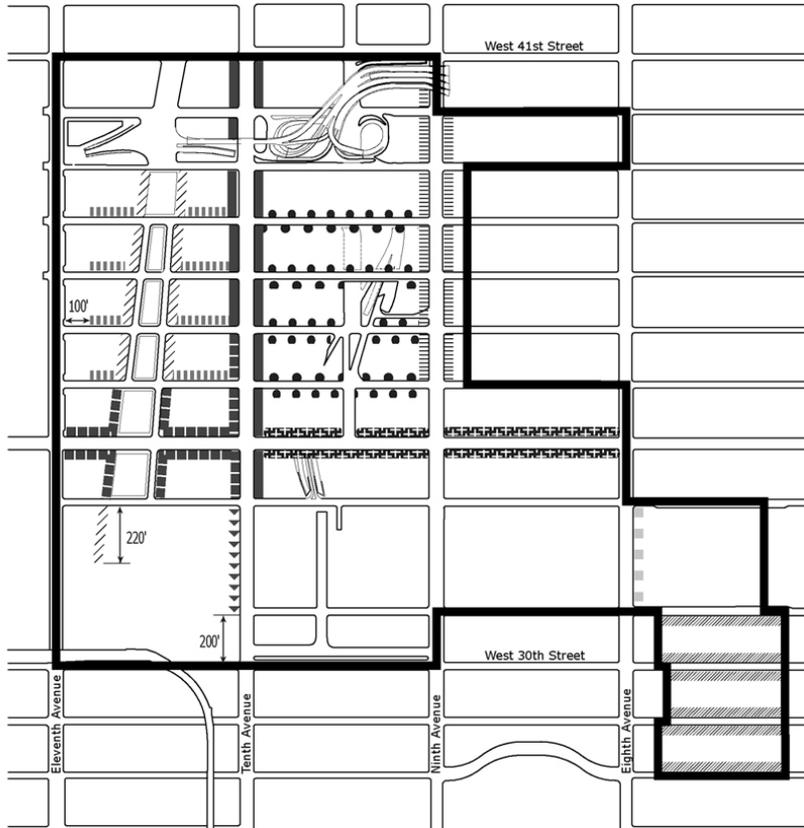
- Special Hudson Yards District boundary
- A Large Scale Plan Subdistrict
  - A1 Eastern Railyard Subarea
  - A2 Four Corners Subarea
  - A3 Northern Blocks Subarea
- Phase 1 Hudson Boulevard and Park
- Phase 2 Hudson Boulevard and Park
- B Farley Corridor Subdistrict
  - B1 Western Blocks Subarea
  - 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

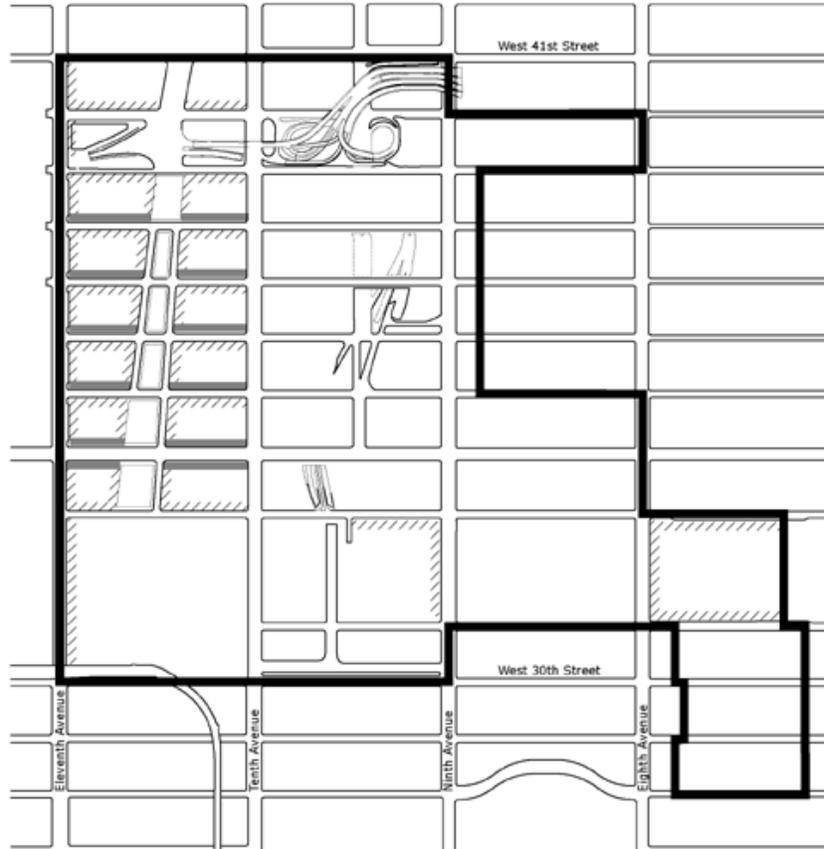
|        | 1    | 2    | 3    |
|--------|------|------|------|
|        | 60'  | 120' | 50%  |
| ////   | 90'  | 120' | 100% |
| ////   | 90'  | 120' | 70%  |
| ————   | 90'  | 150' | 100% |
| ■■■■   | 90'  | 150' | 70%  |
| ■ ■ ■  | 90'  | 150' | 35%  |
| ▬▬▬▬▬▬ | 120' | 150' | 100% |
| ◀◀◀◀   | 60'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

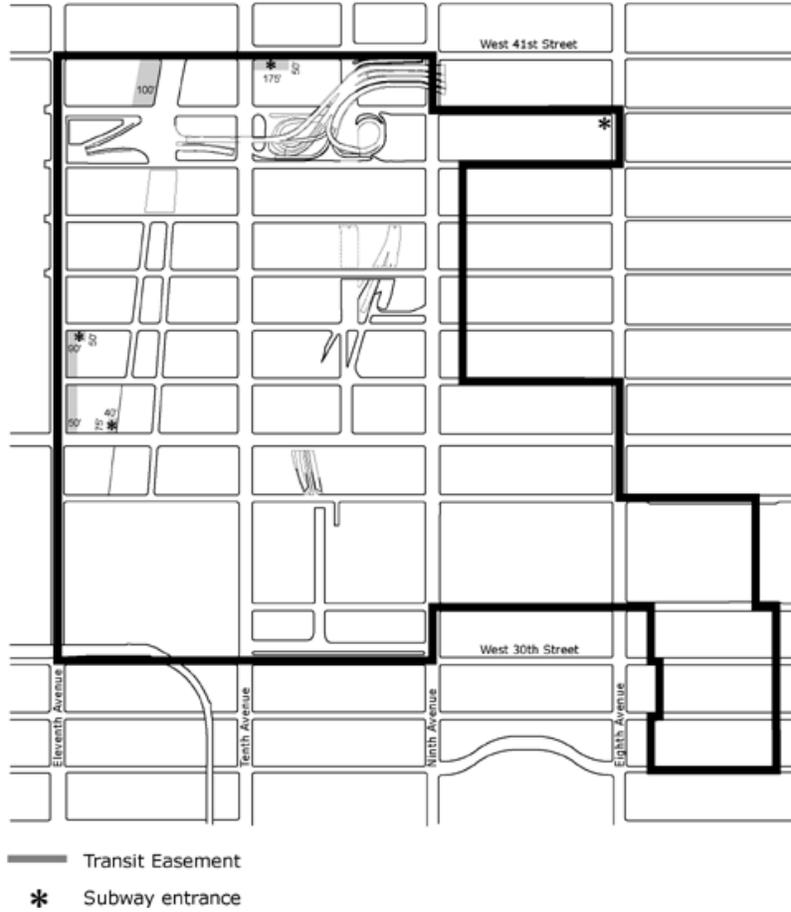
**SPECIAL HUDSON YARDS DISTRICT**  
**Map 4 - Mandatory Sidewalk Widening**



— 10' Sidewalk widening

//// 5' Sidewalk widening

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



**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 42<sup>nd</sup> 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 42<sup>nd</sup> Street Perimeter Area) or Section 96-202 (Special regulations for Eighth Avenue Perimeter Area)...

\* \* \*

**96-201**

**Special regulations for 42<sup>nd</sup> 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 42<sup>nd</sup> 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#.

(c) Retail continuity requirements

\* \* \*

(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 42<sup>nd</sup> 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 42<sup>nd</sup> 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 42<sup>nd</sup> 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 45<sup>th</sup> Street, Eighth Avenue and West 42<sup>nd</sup> 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 42<sup>nd</sup> Street Perimeter Area), provided that such modification is necessary to achieve better site planning.

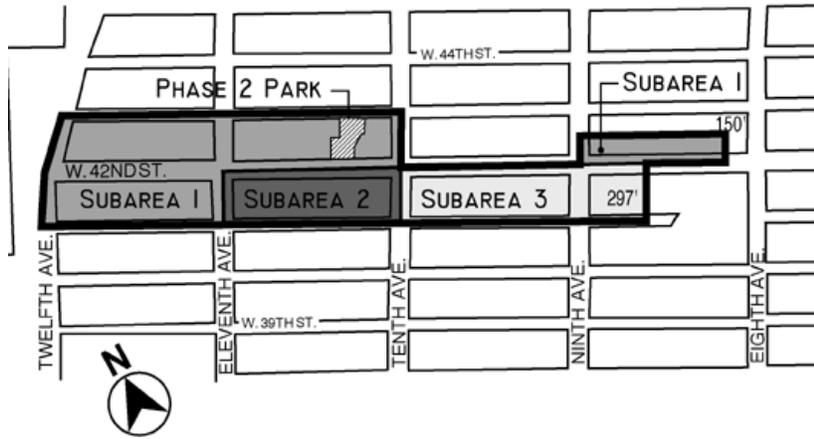
The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

**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.

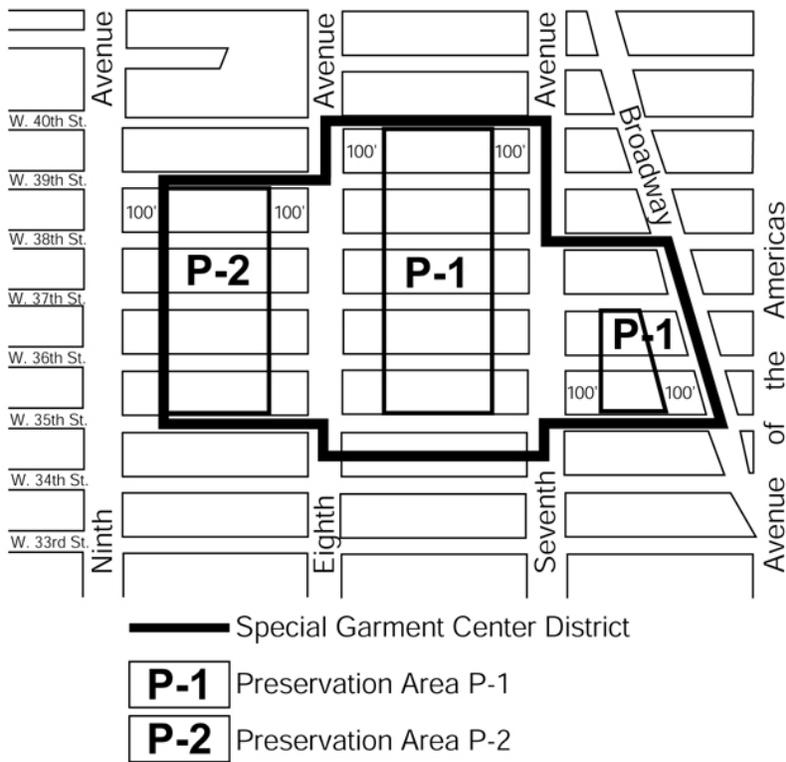
### **121-40** **PARKING AND LOADING REQUIREMENTS IN PRESERVATION AREA P-2**

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



No. 11

CD 4 AND 5

C 040500(A) ZRM

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 1, (Special Midtown District), Article IX, Chapter 6 (Special Clinton District), Article XII Chapter 1 (Special Garment Center District), and the elimination of the Special Jacob K. Javits Convention Center District and the creation of the Special Hudson Yards District in Article IX, Chapter 3.

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, 30<sup>th</sup> Street, the Hudson River and 42<sup>nd</sup> 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~~**

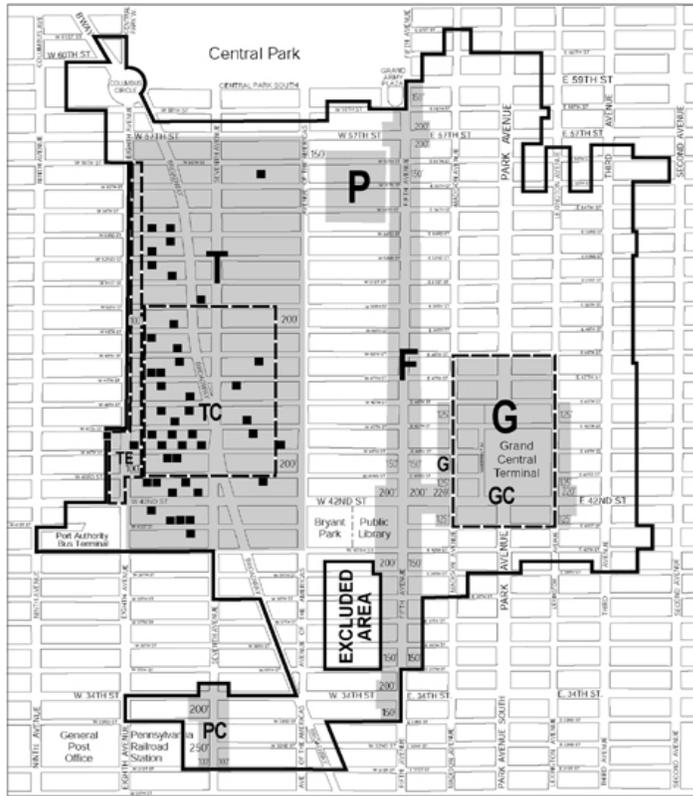
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**ARTICLE VIII SPECIAL PURPOSE DISTRICTS**

**CHAPTER 1 SPECIAL MIDTOWN DISTRICT**

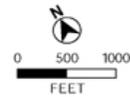
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**APPENDIX A**  
**Midtown District Plan Maps**  
 Map 1. Special Midtown District and Subdistricts

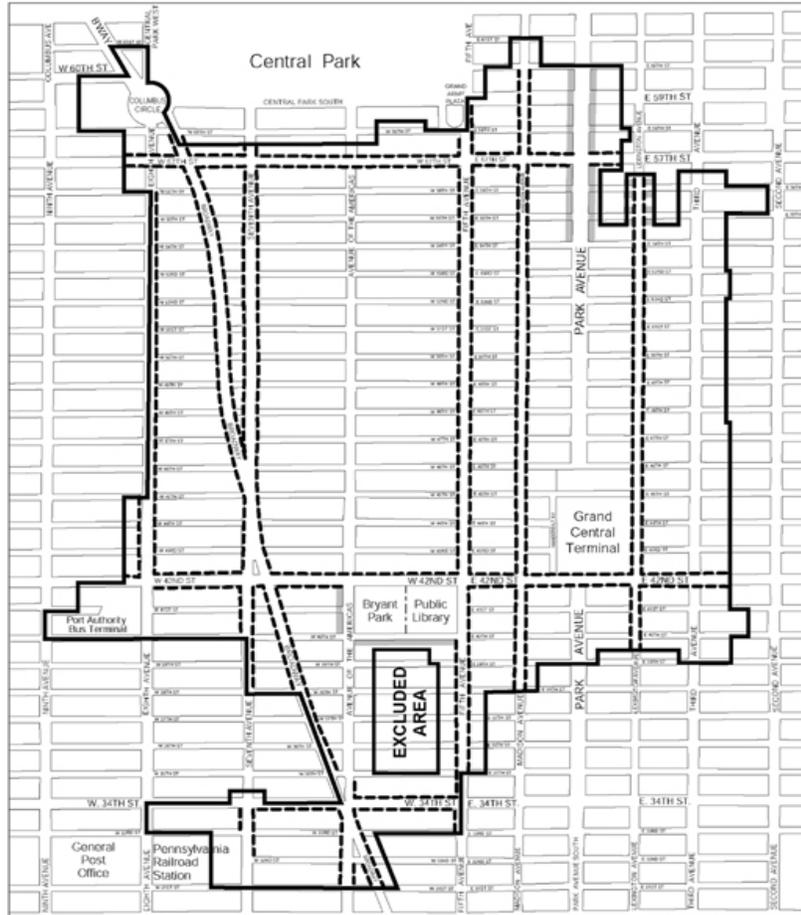


**MIDTOWN DISTRICT PLAN**  
 MAP 1 - Special Midtown District and Subdistricts

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

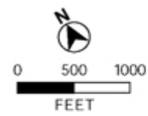


**APPENDIX A**  
**Midtown District Plan Maps**  
Map 2. Retail & Street Wall Continuity



**MIDTOWN DISTRICT PLAN**  
**MAP 2 - Retail and Street Wall Continuity**

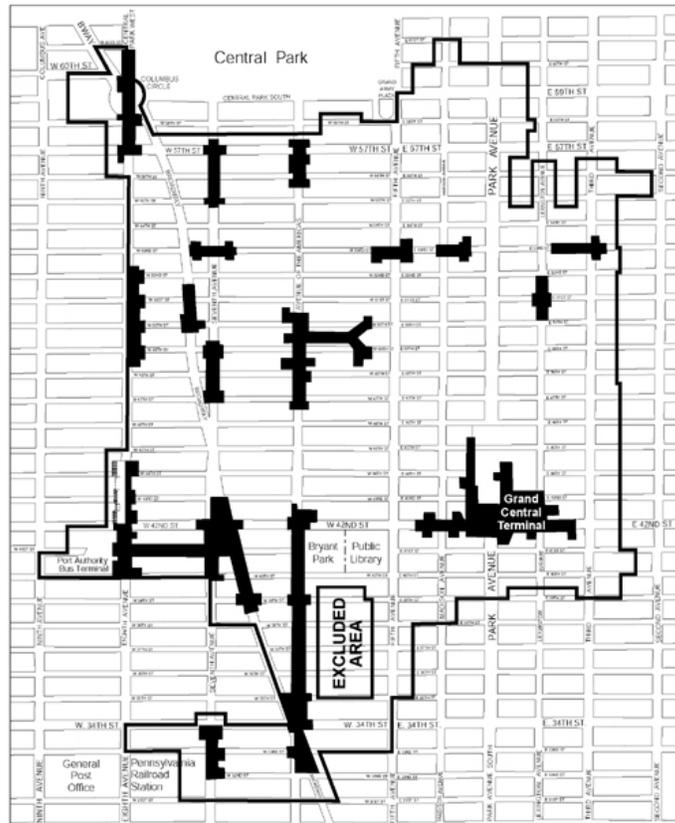
- Retail and Street Wall Continuity required
- Only Street Wall Continuity required
- Special Midtown District



**APPENDIX A**

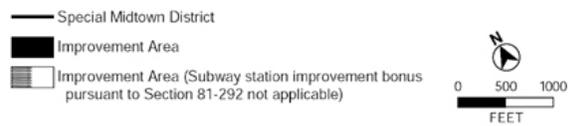
**Midtown District Plan Maps**

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



**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 42<sup>nd</sup> 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 43<sup>rd</sup> Street, Twelfth Avenue and West 30<sup>th</sup> 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 39<sup>th</sup> Street, on the east by the eastern boundary of the #park# located between West 38<sup>th</sup> and West 39<sup>th</sup> Streets and the eastern #street line# of Hudson Boulevard East, on the south by the centerline of West 36<sup>th</sup> Street, and on the west by the western #street line# of Hudson Boulevard West and the western boundary of the #park# located between West 38<sup>th</sup> and West 39<sup>th</sup> 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 35<sup>th</sup> through West 39<sup>th</sup> 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 35<sup>th</sup>, West 36<sup>th</sup>, West 37<sup>th</sup>, West 38<sup>th</sup> or West 39<sup>th</sup> #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 39<sup>th</sup> Street, and its southerly prolongation to West 33<sup>rd</sup> 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>               |
|---|--|--------------------------------------|
| <b>ROW A</b><br>Basic maximum #floor area ratio#  | <b>10 total</b><br>10C<br>2CF              | <b>10 total</b><br>10C<br>2CF        |
| <b>ROW B</b><br>Maximum #floor area ratio# through bonus pursuant to Section 93-31 or transfer or increase pursuant to Sections 93-32 or 93-33. | <b>18 total</b><br>18C<br>2CF              | <b>18 total</b><br>18C<br>2CF        |
| <b>ROW C</b><br>Maximum #floor area ratio# through distribution pursuant to Section 93-34   | <b>No limit</b><br>No limit C<br>6R<br>2CF | <b>24 total</b><br>24 C<br>6R<br>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<br>(Subdistrict B)          |   |                                    | 34th St<br>Corridor<br>(Subdistrict<br>C) | Tenth Ave<br>Corridor<br>(Subdistrict<br>D)     |  | Other Areas<br>(Subdistrict<br>E)               |   |
|---|---|---|------------------------------------|---|---|--|---|---|
|   | <i>West<br/>ern</i><br><i>Blocks</i>        | <i>Centr<br/>al</i><br><i>Blocks</i>    | <i>Penn<br/>.<br/>Stati<br/>on</i> |   | <i>West<br/>Side</i>                            | <i>Eas<br/>t<br/>Side</i>                                | <i>West<br/>of<br/>PA</i>                       | <i>Sout<br/>h of<br/>PA</i>             |
| <b>ROW A</b><br>Basic<br>maximum<br>#floor area<br>ratio#   | <b>10<br/>total</b><br>10C<br>2CF           | <b>12<br/>total</b><br>12C<br>2CF       | <b>10<br/>total</b><br>10C<br>2CF  | <b>10 total</b><br>10C<br>7.5R<br>10CF    | <b>7.5<br/>total</b><br>2C<br>7.5R<br>7.5C<br>F | <b>7.5<br/>total</b><br>1<br>2C<br>7.5<br>R<br>7.5<br>CF | <b>7.5<br/>total</b><br>7.5R<br>6C<br>7.5C<br>F | <b>10<br/>total</b><br>10C<br>2CF       |
| <b>ROW B</b><br>Maximum<br>#floor area<br>ratio#<br>through<br>bonus<br>pursuant to<br>Section 93-<br>31, transfer<br>pursuant to<br>Section 93-<br>32, or<br>Inclusionary<br>Housing | <b>21.6<br/>total</b><br>21.6C<br>6R<br>2CF | <b>19<br/>total</b><br>19C<br>4R<br>2CF | <b>15<br/>total</b><br>15C<br>2CF  | <b>13 total</b><br>13C<br>12R<br>12CF     | <b>15<br/>total</b><br>3C<br>12R<br>12CF        | <b>13<br/>total</b><br>1<br>3C<br>12R<br>12C<br>F        | <b>12<br/>total</b><br>7.5R<br>7.2C<br>12CF     | <b>18<br/>total</b><br>18C<br>3R<br>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 35<sup>th</sup>, West 36<sup>th</sup>, West 37<sup>th</sup>, West 38<sup>th</sup>, West 39<sup>th</sup> or West 40<sup>th</sup> Street #street# frontage of the #zoning lot# .

For all #zoning lots# with frontage along the southerly #street lines# of West 36<sup>th</sup> 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 33<sup>rd</sup> and West 35<sup>th</sup> Streets, the westerly #street line# and sidewalk widening lines of Hudson Boulevard West shall be prolonged southward to West 33<sup>rd</sup> Street.

(b) West 34<sup>th</sup> Street

The #street wall# of any #development# or #enlargement# shall be located on the West 34<sup>th</sup> Street sidewalk widening line and extend along at least 70 percent of the West 34<sup>th</sup> 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 34<sup>th</sup> 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 34<sup>th</sup> 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 34<sup>th</sup> 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 30<sup>th</sup> Street or West 33<sup>rd</sup> 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 33<sup>rd</sup> 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 33<sup>rd</sup> 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 33<sup>rd</sup> Street #street line# does not exceed 50 percent of the length of the West 33<sup>rd</sup> 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 31<sup>st</sup> and West 33<sup>rd</sup> 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 31<sup>st</sup> and West 33<sup>rd</sup> Street #street lines#, as applicable. As an alternative, if the entire #building# is set back at least 10 feet from the West 31<sup>st</sup> or West 33<sup>rd</sup> Street #street line#, such #building# may rise without setback along such #street#.

### **93-53**

#### **Special Height and Setback Regulations in the 34<sup>th</sup> Street Corridor (Subdistrict C)**

(a) 34<sup>th</sup> Street

For #zoning lots# with frontage on 34<sup>th</sup> Street, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire West 34<sup>th</sup> 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 34<sup>th</sup> 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 #building# 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 33<sup>rd</sup> 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 33<sup>rd</sup> 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 41<sup>st</sup> Street. The entrance shall be accessed from Tenth Avenue;

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

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

The area bounded by West 41<sup>st</sup> Street, the easterly #lot line# of Block 1069, Lot 1, West 40<sup>th</sup> 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 40<sup>th</sup> and West 41<sup>st</sup> 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 40<sup>th</sup> 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 32<sup>nd</sup> 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 31<sup>st</sup> Street, the Lincoln Tunnel Approach and West 33<sup>rd</sup> 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 93-73.1. 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 31<sup>st</sup> Street, the Lincoln Tunnel Approach and West 33<sup>rd</sup> 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 31<sup>st</sup> Street and West 33<sup>rd</sup> 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 31<sup>st</sup> Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31<sup>st</sup> 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 31<sup>st</sup> Street and Eighth Avenue and West 33<sup>rd</sup> 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 31<sup>st</sup> 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 34<sup>th</sup> Street, and along the north side of West 35<sup>th</sup>, West 36<sup>th</sup>, West 37<sup>th</sup> and West 38<sup>th</sup> 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 34<sup>th</sup> Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33<sup>rd</sup> Street or West 35<sup>th</sup> 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 31<sup>st</sup> and West 33<sup>rd</sup> Streets. In the Pennsylvania Station Subarea, the maximum aggregate width of curb cuts on West 33<sup>rd</sup> Street shall be 90 feet. On the south side of West 33<sup>rd</sup> 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 35<sup>th</sup>, West 36<sup>th</sup>, West 37<sup>th</sup>, and West 38<sup>th</sup> 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.

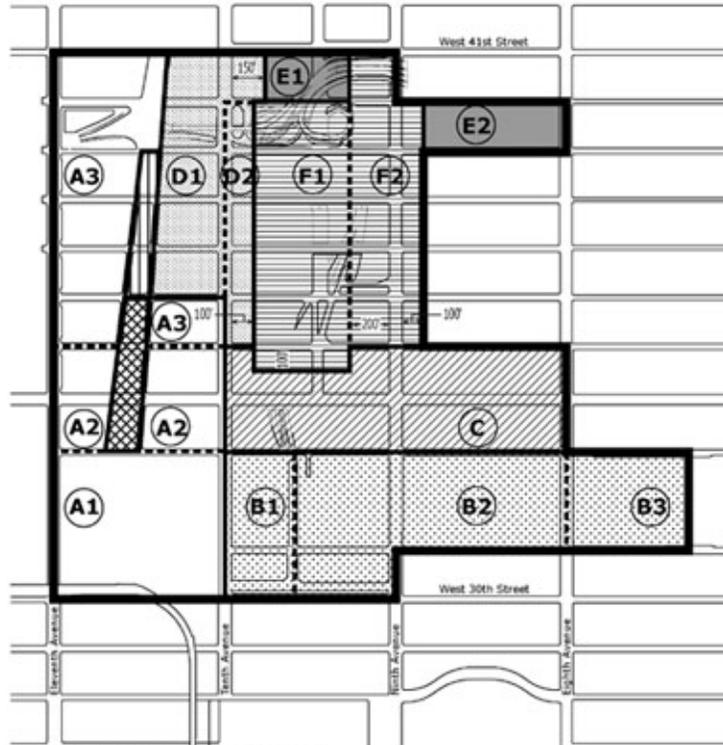
**93-85****Indoor Bicycle Parking**

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.

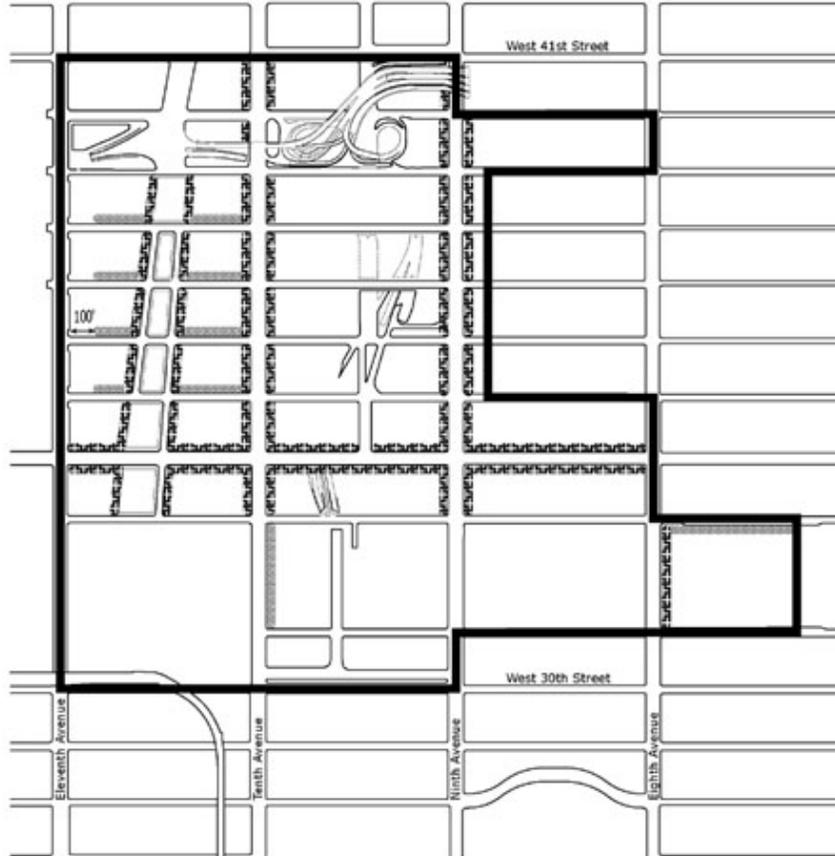
\* \* \*

**SPECIAL HUDSON YARDS DISTRICT**  
**Map 1 - Special Hudson Yards District, Subdistricts and Subareas**



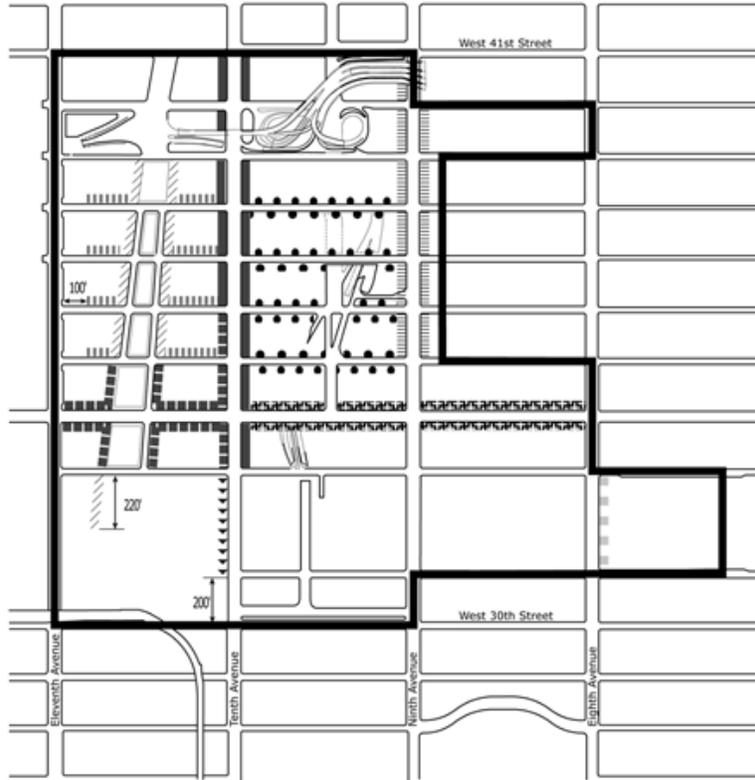
- Special Hudson Yards District boundary
- A** Large Scale Plan Subdistrict
  - A1 Eastern Railyard Subarea
  - A2 Four Corners Subarea
  - A3 Northern Blocks Subarea
-  Phase 1 Hudson Boulevard and Park
-  Phase 2 Hudson Boulevard and Park
- B** Farley Corridor Subdistrict
  - B1 Western Blocks Subarea
  - 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**

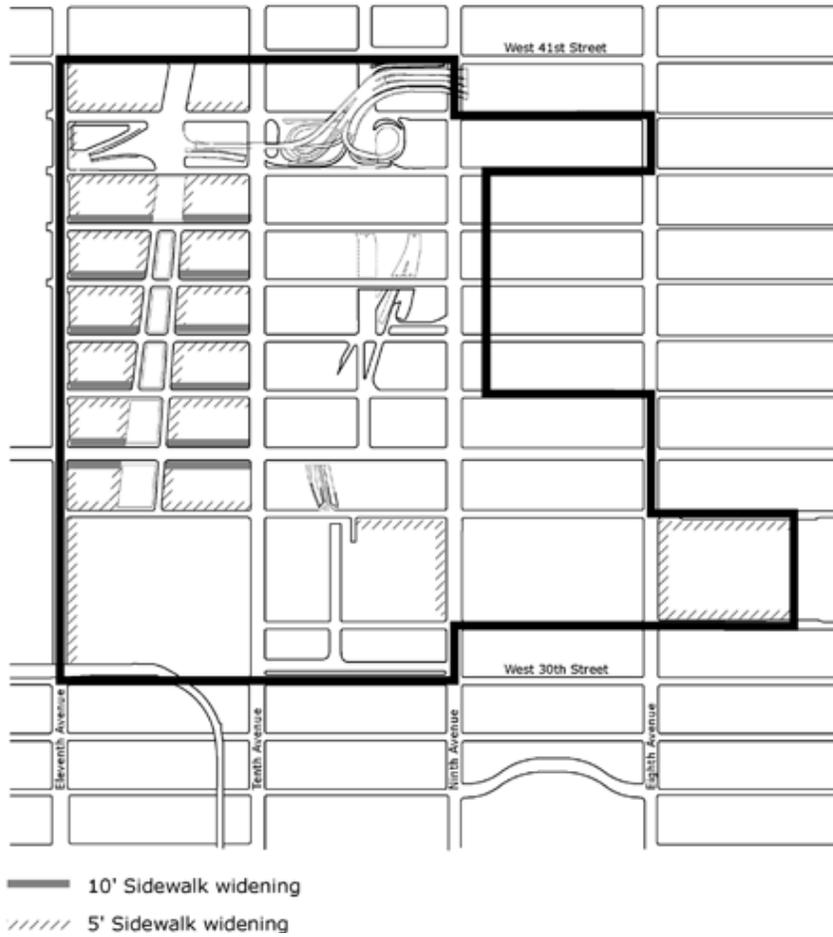
|        | 1    | 2    | 3    |
|--------|------|------|------|
|        | 60'  | 120' | 50%  |
| ////// | 90'  | 120' | 70%  |
| ————   | 90'  | 150' | 100% |
| ■■■■■  | 90'  | 150' | 70%  |
| ■■■■   | 90'  | 150' | 35%  |
| ▬▬▬▬▬  | 120' | 150' | 100% |
| ◀◀◀◀   | 60'  | 150' | 70%  |

**Contextual Controls**

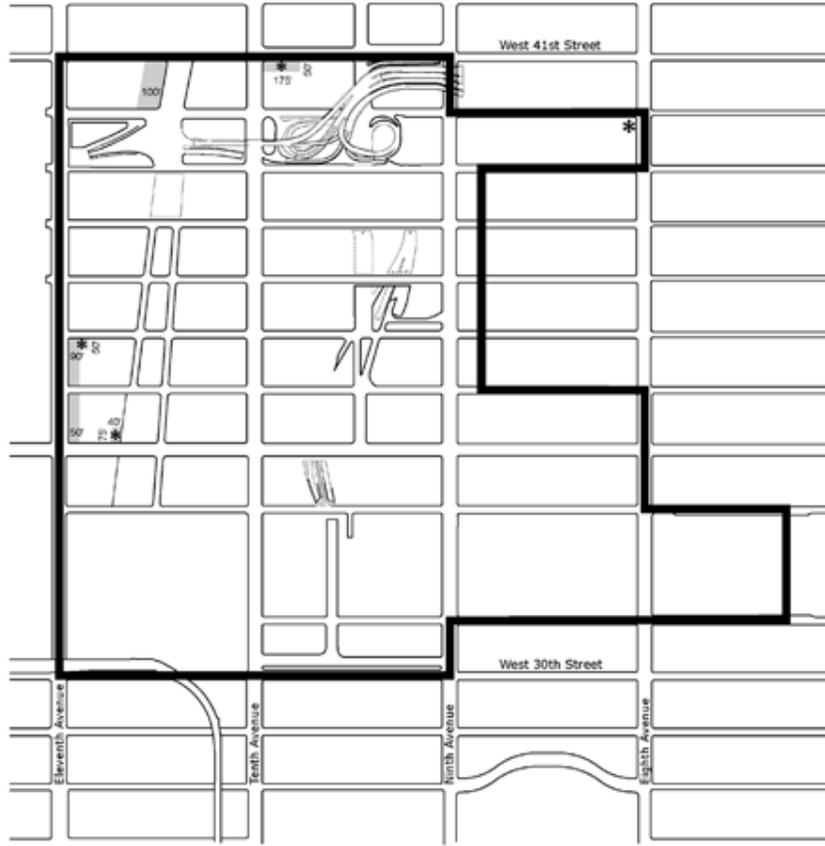
|        | 1   | 2   | 3    |
|--------|-----|-----|------|
|        | 60' | 85' | 100% |
| ▲-▲-▲- | 60' | 95' | none |

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 42<sup>nd</sup> 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)~~ 96-21 (Special Regulations for 42<sup>nd</sup> Street Perimeter Area) or Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area).

\* \* \*

~~96-201~~ **96-21**  
**Special Regulations for 42<sup>nd</sup> 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 42<sup>nd</sup> 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 42<sup>nd</sup> 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)

(c) Retail continuity requirements

\* \* \*

~~(b)~~(d) Street wall continuity requirements

\* \* \*

(f) Pedestrian circulation space

Within Subareas 2 and 3 of the 42<sup>nd</sup> 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 42<sup>nd</sup> Street. The parking requirements of the #Special Hudson Yards District# shall apply within the 42<sup>nd</sup> 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 56<sup>th</sup> Street, Eighth Avenue and West 45<sup>th</sup> Street, excluding such area between West 49<sup>th</sup> and West 50<sup>th</sup> 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 45<sup>th</sup> Street, Eighth Avenue and West 42<sup>nd</sup> 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 42<sup>nd</sup> 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 42<sup>nd</sup> 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:

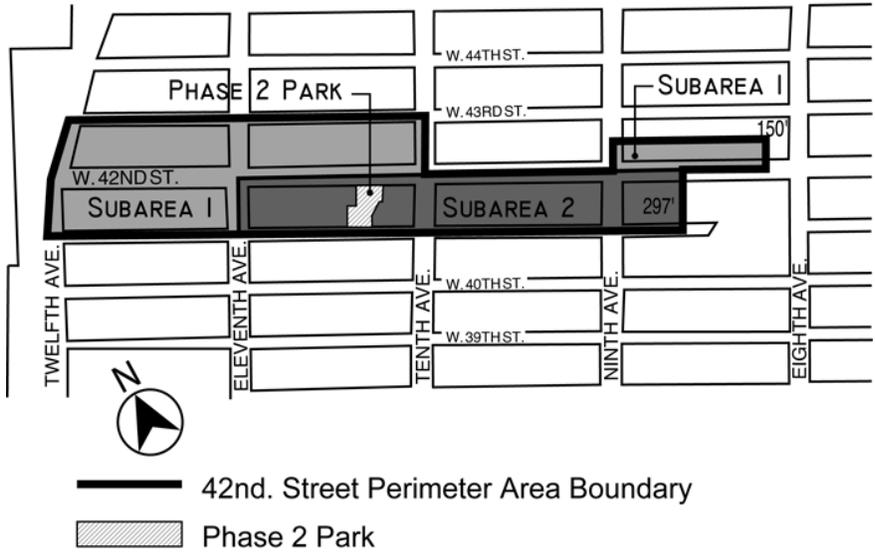
- (a) the total #floor area ratio# on the #zoning lot# shall not exceed 15.0;
- (b) all #floor area# for which a bonus is received pursuant to this Section shall be limited to floor space exclusively associated with legitimate theater #use#, including auditorium, orchestra, balconies, stage and theater 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#.

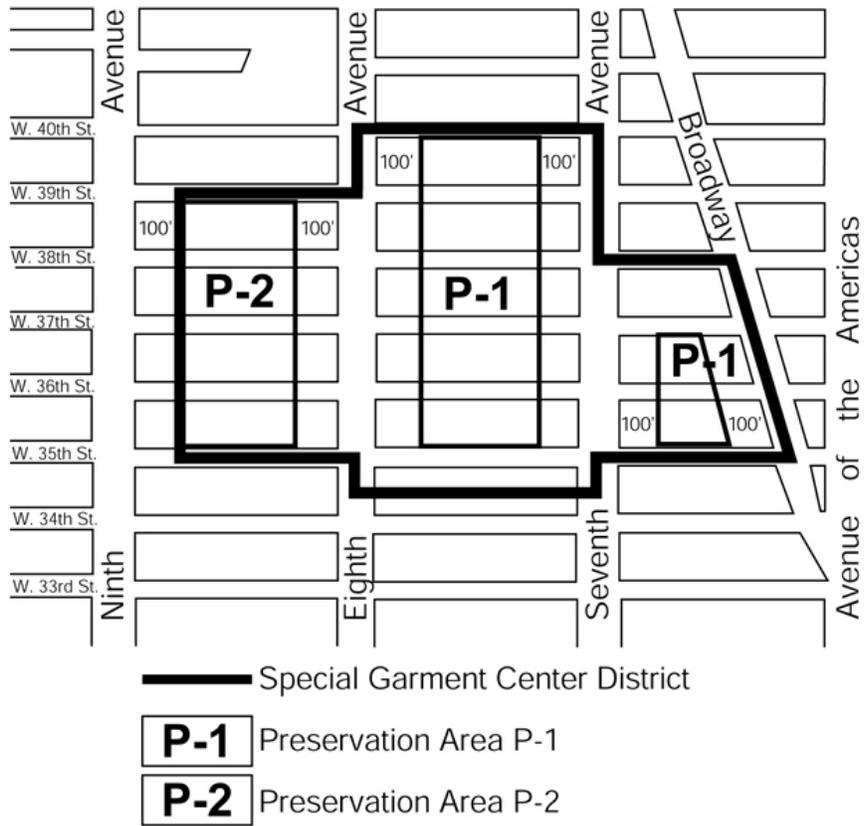
**121-40**

**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



Resolution for adoption scheduling September 23, 2004 for a public hearing.

\_\_\_\_\_

**No. 12**

**CD 4**

**C 040501 PCM**

**IN THE MATTER OF an application** submitted by the New York City Police Department, the Department of Sanitation, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property bounded by West 29<sup>th</sup> and West 30<sup>th</sup> streets and Eleventh and Twelfth avenues (Block 675, Lots 1, 12, 24, 26, 29, 36, 38, and 39), Manhattan, for use as a tow pound and garage.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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**No. 13**

**CD 4**

**C 040502 PCM**

**IN THE MATTER OF an application** submitted by the Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property generally bounded by West 34<sup>th</sup> and West 36<sup>th</sup> streets and Tenth and Eleventh avenues (Block 706, Lots 10, 15, 17, 48, 50, 52, and 55; and Block 707, Lots 13, 16, 20, 51, 54, and 56), and acquisition of an easement (Block 707, Lot 1), Manhattan, for use as a public parking garage.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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**No. 14**

**CD 4**

**C 040503 PQM**

**IN THE MATTER OF an application** submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of aerial easements located midblock between Tenth and Eleventh avenues from West 39<sup>th</sup> to West 41<sup>st</sup> streets (Block 711, Lot 1; and Block 1069, Lot 43), Manhattan, for a pedestrian bridge.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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**No. 15**

**CD 4 AND 5**

**C 040504 PQM**

**IN THE MATTER OF an application** submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for acquisition of property generally bounded by Eighth and Eleventh avenues, West 25<sup>th</sup> and West 42<sup>nd</sup> streets (Block 697, Lots 1 and 60; Block 705, Lots 1, 5, and 54; Block 706, Lot 1; Block 763, Lot 47; Block 1051, Lot 1; and Block 1069, Lots 29 and 34), Manhattan, to facilitate the construction of a subway extension; and acquisition of easements for construction of a subway extension:

A list and description of properties can be seen in Room 6W, the Manhattan Office of the Department of City Planning, 22 Reade Street, New York, New York 10007.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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**No. 16**

**CD 4**

**C 040505 PQM**

**IN THE MATTER OF an application** submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property bounded by West 30<sup>th</sup> and West 33<sup>rd</sup> streets, and Tenth and Eleventh avenues (Block 702, Lots 1 and 50; and Block 704, Lots 1, 5, and 6), Manhattan.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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**No. 17**

**CD 4**

**C 040506 PPM**

**IN THE MATTER OF an application** submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for the disposition of thirty-six (36) City-owned properties pursuant to zoning.**

A list and description of the properties can be seen at the Manhattan Office of the Department of City Planning, 22 Reade Street, Room 6W, New York, N.Y. 10007.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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**No. 18**

**CD 4**

**C 040507 MMM**

**IN THE MATTER OF** an application, submitted by the Department of City Planning and the Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter and section 5-430 *et. seq.* of the New York City Administrative Code, for amendments to the City Map involving:

- the establishment of Hudson Boulevard from West 33<sup>rd</sup> Street to West 38<sup>th</sup> Street between Tenth and Eleventh Avenues;
- the establishment of Parks within an area bounded by West 33<sup>rd</sup> Street, Tenth Avenue, West 42<sup>nd</sup> Street and Eleventh Avenue;
- the elimination, discontinuance and closing of a volume of West 35<sup>th</sup> Street and the elimination of West 32<sup>nd</sup> Street between Tenth and Eleventh Avenues;
- the establishment of grades on West 33<sup>rd</sup> Street through West 38<sup>th</sup> Street between Tenth and Eleventh Avenues; and
- any acquisition or disposition of real property related thereto,

Community District 4, Borough of Manhattan, in accordance with Map No. C 040507 MMM dated June 18, 2004 and signed by the Director of the Department of City Planning.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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**No. 19**

**CD 4**

**C 040508 MMM**

**IN THE MATTER OF** an application, submitted by the Department of City Planning and the Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of a park above a lower limiting plane bounded by West 29<sup>th</sup> Street, Eleventh Avenue, West 30<sup>th</sup> Street and Twelfth Avenue;

- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 4, Borough of Manhattan, in accordance with Map No. C 040508 MMM dated June 18, 2004 and signed by the Director of the Department of City Planning.

**Resolution for adoption scheduling September 23, 2004 for a public hearing.**

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### NOTICE

On Thursday, September 23, 2004, at 9:00 a.m., at the Fashion Institute of Technology, Haft Auditorium - Building C, Seventh Avenue at 27<sup>th</sup> Street, in Manhattan, a public hearing is being held by the City Planning Commission and the Metropolitan Transit Authority in conjunction with the above ULURP hearings to receive comments related to a Draft Generic Environmental Impact Statement (DGEIS) concerning a number of actions affecting the area generally bounded by West 43<sup>rd</sup> Street, 7<sup>th</sup> Avenue, West 28<sup>th</sup> Street, and Hudson River Park, in Manhattan Community Districts 4 and 5, including zoning map and zoning text changes affecting the area between 7<sup>th</sup> and 11<sup>th</sup> avenues, and acquisition of property located between West 29<sup>th</sup> and 30<sup>th</sup> streets and 11<sup>th</sup> and 12<sup>th</sup> avenues.

These actions would facilitate:

- Development of a mixed-use community with new commercial and residential uses, new open space, and a new mid-block park and boulevard between 10<sup>th</sup> and 11<sup>th</sup> avenues.
- An extension of the Number 7 subway line to 11<sup>th</sup> Avenue and 34<sup>th</sup> Street.
- Expansion of the Jacob J. Javits Convention Center.
- Development of a multi-use facility for sports, entertainment and exposition uses.
- Development of other facilities, including the relocated Police Department Manhattan Vehicle Tow Pound, Department of Sanitation Gansevoort Facility, and a new 950-car public parking garage.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 03DCP031M.

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## II. PUBLIC HEARINGS

**BOROUGH OF THE BRONX**

**No. 20**

***PLAZOLETA HALL***

**CD 3**

**C 040442 HAX**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) The designation of property located at 863 Melrose Avenue and 383, 387 East 160<sup>th</sup> Street, part of Site 44 within the Melrose Commons Urban Renewal Area (Block 2407, Lots 23, 27 and 28), as an Urban Development Action; and
  - b) An Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of an eight-story building tentatively known as Plazoleta Hall, with approximately 54 units for homeless families and young adults aging out of foster care, to be developed under the HPD Supportive Housing Program.

(On August 25, 2004, Cal. No. 1, the Commission scheduled September 8, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**III. REPORTS**

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**BOROUGH OF THE BRONX**

**No. 21**

***BEATRICE CATULLO HOUSES***

**CD 10**

**N 040229HAX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

1. The designation of property located at 1425 Zerega Avenue (Block 3970, Lot 35), as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such area;

**to facilitate development of a seven-story building tentatively known as Beatrice Castiglia Catullo Residence**, with approximately 83 units of housing for senior citizens and one unit for a superintendent, to be developed under the HUD Section 202 Supportive Housing for the Elderly Program.

(On February 25, 2004, Cal. No. 2, the Commission scheduled March 10, 2004 for a public hearing. On March 10, 2004, Cal. No. 25, the hearing was closed.)

**For consideration.**

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**No. 22*****CENTRAL RIVERDALE/SPUYTEN DUYVIL REZONING*****CD 8****C 040515 ZMX**

**IN THE MATTER OF** an application submitted by The Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 1b and 1d:**

- 1. changing from an R6 District to an R6A District property bounded by** West 232<sup>nd</sup> Street, Fairfield Avenue and its southwesterly centerline prolongation, a line 150 feet southwesterly of West 227<sup>th</sup> Street, Arlington Avenue, a line 300 feet southwesterly of West 227<sup>th</sup> Street, Netherland Avenue, Kappock Street, Johnson Avenue, Edsall Avenue (northerly portion) and its southwesterly centerline prolongation, the northeasterly boundary line of the Penn Central Railroad Right-Of-Way, a line perpendicular to the southeasterly street line of Palisade Avenue and passing through the point of intersection of the southeasterly street line of Palisade Avenue and the northerly boundary line of a Park, Palisade Avenue, Independence Avenue, West 231<sup>st</sup> Street, and a line perpendicular to the northerly street line of West 231<sup>st</sup> Street distant 100 feet (as measured along the street line) from the point of intersection of the northerly street line of West 231<sup>st</sup> Street and the easterly street line of Independence Avenue;
- 2. changing from an R7-1 District to an R6A District property bounded by** West 236<sup>th</sup> Street, Oxford Avenue, West 235<sup>th</sup> Street, Johnson Avenue, West 232<sup>nd</sup> Street, a line 150 feet easterly of Fairfield Avenue, a line 200 feet northerly of West 232<sup>nd</sup> Street, Arlington Avenue, West 235<sup>th</sup> Street, the northerly prolongation of a line 100 feet westerly of Netherland Avenue (between West 232<sup>nd</sup> Street and West 235<sup>th</sup> Street), a line 100 feet northerly of West 235<sup>th</sup> Street, and a line 100 feet northwesterly of Netherland Avenue; and
- 3. changing from an R7-1 District to an R7A District property bounded by** West 239<sup>th</sup> Street, Johnson Avenue, West 238<sup>th</sup> Street, a line 100 feet easterly of Johnson Street, Oxford Avenue, West 236<sup>th</sup> Street, a line 100 feet northwesterly of Netherland Avenue, a line 100 feet northerly of West 235<sup>th</sup> Street, the northerly prolongation of a line 100 feet westerly of Netherland Avenue (between West 232<sup>nd</sup> Street and West 235<sup>th</sup> Street), West 235<sup>th</sup> Street, Arlington Avenue, a line 200 feet northerly of West 232<sup>nd</sup> Street, a line 150 feet easterly of Fairfield Avenue, West 232<sup>nd</sup> Street, and Independence Avenue;

partially within a Special Natural Area District (NA-2), as shown on a diagram (for illustrative purposes only) dated June 21, 2004.

(On July 28, 2004, Cal. No. 8, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 13, the hearing was closed.)

**For consideration.**

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**No. 23**

***VAN COURTLANDT VILLAGE REZONING***

**CD 8**

**C 040516 ZMX**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 1d;**

- (A) changing from an R7-1 District to an R4A District property bounded by:
1. a line from a point on the bisector of an angle formed by extending the southeasterly street line of Orloff Avenue (straight portion) and the northerly street line of Cannon Place (straight portion) distant 175 feet northeasterly from its intersection with the street line, extending northwesterly perpendicular to the southeasterly street line of Orloff Avenue (straight portion);
  2. a 200 feet line on the aforementioned bisector running northeasterly from the aforementioned point;
  3. a line parallel to West 238<sup>th</sup> Street passing through the northeasterly terminus of the second-named course;
  4. Orloff Avenue;
  5. Van Cortlandt Avenue West;
  6. a line 100 feet northerly of Sedgwick Avenue;
  7. a line perpendicular to a point on the southeasterly street line of Cannon Place distant 450 feet (as measured along the street line) northeasterly from the point of intersection of the southeasterly street line of Cannon Place and the northeasterly street line of West 238<sup>th</sup> Street;
  8. Cannon Place;
  9. Orloff Avenue;
  10. West 238<sup>th</sup> Street;
  11. a line perpendicular to a point on the easterly street line of West 238<sup>th</sup> Street distant 175 feet southerly (as measured along the street line)

from the point of intersection of the southeasterly street line of Bailey Avenue and the easterly street line of West 238th Street; extending 100 feet southeasterly; and

12. a line perpendicular to the southeasterly terminus of the eleventh-named course;

(B) changing from an R7-1 District to an R6A District property bounded by:

1. Van Cortlandt Avenue West;
2. Stevenson Place and its easterly and westerly prolongation;
3. a line 360 feet southwesterly of Stevenson Place;
4. Sedgwick Avenue;
5. West 238<sup>th</sup> Street;
6. Orloff Avenue;
7. Cannon Place;
8. a line perpendicular to a point on the southeasterly street line of Cannon Place distant 450 feet northeasterly (as measured along the street line) from the intersection of the southeasterly street line of Cannon Place and the northeasterly street line of West 238<sup>th</sup> Street; and
9. a line 100 feet northerly of Sedgwick Avenue;

(C) changing from an R6 District to an R4A District property bounded by:

1. Fort Independence Street;
2. Cannon Place and its westerly prolongation;
3. Giles Place;
4. a line perpendicular to the easterly street line of Giles Place distant 300 feet (as measured along the street line) from the point of intersection of the easterly prolongation of the center line of Cannon Place and the easterly street line of Giles Place;
5. a line 100 feet easterly of Giles Place;
6. a line 70 feet northwesterly of Sedgwick Avenue;
7. Giles Place;
8. Kingsbridge Terrace;
9. a line 80 feet northwesterly of Sedgwick Avenue and its northwesterly prolongation;
10. a line perpendicular to the northeasterly street line of Perot Street distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Kingsbridge Terrace and the northeasterly street line of Perot Street;
11. Perot Street;
12. a line 185 feet northwesterly of Sedgwick Avenue;
13. a line 100 feet southwesterly of Perot Street;
14. a line 100 feet northwesterly of Sedgwick Avenue;

15. West 231<sup>st</sup> Street;
16. Kingsbridge Terrace;
17. Albany Crescent;
18. a line 50 feet southeasterly of Bailey Avenue;
19. a line 100 feet northeasterly of Albany Crescent;
20. a line 85 feet northwesterly of Heath Avenue;
21. Summit Place;
22. Heath Avenue;
23. a line 125 feet westerly of Giles Place (the southerly section) and its southerly prolongation, extending 175 feet northerly from its intersection with Heath Avenue; and
24. a line perpendicular to the northerly terminus of the last-named course; and

(D) changing from an R6 District to an R6A District property bounded by:

1. West 238<sup>th</sup> Street;
2. Sedgwick Avenue;
3. West 231<sup>st</sup> Street;
4. a line 100 feet northwesterly of Sedgwick Avenue;
5. a line 100 feet southwesterly of Perot Street;
6. a line 185 feet northwesterly of Sedgwick Avenue;
7. Perot Street;
8. a line perpendicular to the northeasterly street line of Perot Street distant 150 feet southeasterly (as measured along the street line) from the intersection of the southeasterly street line of Kingsbridge Terrace and the northeasterly street line of Perot Street;
9. a line 80 feet northwesterly of Sedgwick Avenue and its northwesterly prolongation;
10. Kingsbridge Terrace;
11. Giles Place;
12. a line 70 feet northwesterly of Sedgwick Avenue;
13. a line 100 feet easterly of Giles Place;
14. a line perpendicular to the easterly street line of Giles Place distant 300 feet (as measured along the street line) from the intersection of the easterly center line prolongation of Cannon Place and the easterly street line of Giles Place;
15. Giles Place;
16. Cannon Place;
17. a line 375 feet northerly of the westerly center line prolongation of Cannon place (the east-west section);
18. Fort Independence Street;
19. a line 300 feet southwesterly of West 238<sup>th</sup> Street; and
20. Cannon Place;

as shown on a diagram (for illustrative purposes only) dated June 21, 2004.

(On July 28, 2004, Cal. No. 9, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 14, the hearing was closed.)

**For consideration.**

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**No. 24**

***COURTLANDT AVENUE APARTMENTS***

**CD 1**

**C 040521 HAX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 3104, 3106 and 3110 Park Avenue (Block 2418 Lots 2-4), 308, 314 and 320 East 159<sup>th</sup> Street (Block 2418, Lots 10, 12 and 14), 821 and 817 Courtlandt Avenue (Block 2418, Lots 16 and 18), 301, 303, 305, 307, 309, 313, 317 and 321 East 158<sup>th</sup> Street (Block 2418, Lots 25, 26, 28, 29, 31-34), Site 22 within the Melrose Commons Urban Renewal Area, as an Urban Development Action Area;
  - b) an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a sponsor to be selected by HPD;

to facilitate development of a five-story building, tentatively known as Courtlandt Avenue Apartments, with approximately 167 units of housing for low-income families and 1 unit for a superintendent, to be developed under HPD's Cornerstone Program.

(On July 28, 2004, Cal. No. 1, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 6, the hearing was closed.)

**For consideration.**

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**Nos. 25 and 26**

***WESTCHESTER CREEK CSO FACILITY***

**No. 25**

**CD 11**

**C 030272 ZSX**

**IN THE MATTER OF** an application submitted by the Department of Environmental Protection pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-734 of the Zoning Resolution **to allow a municipal sewage pumping station in connection with the development of the Westchester Creek Combined Sewer Overflow Storage Facility, on a property located at 1500 Waters Place** (Block 4226, p/o Lot 30), in an R5 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On July 28, 2004, Cal. No. 6, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 11, the hearing was closed.)

**For consideration.**

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**No. 26**

**CD 11**

**C 030271 PCX**

**IN THE MATTER OF** an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property generally bounded by Waters Place and Eastchester Road (Block 4226, part of Lot 30), Bronx, for use as a combined sewer overflow storage facility.

(On July 28, 2004, Cal. No. 7, the Commission scheduled August 11, 2004 for a public

hearing. On August 11, 2004, Cal. No. 12, the hearing was closed.)

**For consideration.**

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**BOROUGH OF BROOKLYN**

**Nos. 27, 28, 29, 30 and 31**

***RED HOOK IKEA***

**No. 27**

**CD 6**

**C 030412 MMK**

**IN THE MATTER OF** an application, submitted by Ikea Properties, Inc., pursuant to Sections 197-c and 199 of the New York City Charter and section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Otsego Street between Beard Street and the United States Bulkhead Line;
- the elimination, discontinuance and closing of Halleck Street between segments of Columbia Street;
- the widening of Beard Street between Otsego Street and Richards Street;
- the establishment of Ikea Plaza/Beard Street between Otsego Street and Richards Street.
- adjustment of grades necessitated thereby; and
- acquisition or disposition of real property related thereto,

in accordance with Map Nos. Y-2661 and X-2662 dated April 14, 2004 and signed by the Borough President.

(On July 14, 2004, Cal. No. 5, the Commission scheduled July 28, 2004 for a public hearing. On July 28, 2004, Cal. No. 27, the hearing was closed.)

**For consideration.**

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**No. 28**

**CD 6**

**C 030413 ZMK**

**IN THE MATTER OF** an application submitted by IKEA Properties, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 16a and 16b, changing from an M3-1 District to an M1-1 District property bounded by** Beard Street, Halleck Street, a line 300 feet westerly of Columbia Street, a line 550 feet southerly of Halleck Street and its easterly prolongation, Columbia Street, a line 1190 feet southerly of Halleck Street and its easterly and westerly prolongation, and the southwesterly prolongation of a line 200 feet northwesterly of Dwight Street, as shown on a diagram (for illustrative purposes only) dated April 26, 2004.

(On July 14, 2004, Cal. No. 6, the Commission scheduled July 28, 2004 for a public hearing. On July 28, 2004, Cal. No. 28, the hearing was closed.)

**For consideration.**

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**No. 29**

**CD 6**

**C 030414 ZSK**

**IN THE MATTER OF** an application submitted by IKEA Properties, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-922 of the Zoning Resolution **to allow the development of large retail establishments (Use Group 6 and 10A) with no limitation on floor area on a zoning lot located at 1 Beard Street, a.k.a. 21 Erie Basin** (Block 612, Lot 130), in M1-1\*\* and M3-1 Districts.

\*\* Note: A portion of the site is proposed to be rezoned from an M3-1 District to an M1-1 District under a related application (C 030413 ZMK) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On July 14, 2004, Cal. No. 7, the Commission scheduled July 28, 2004 for a public hearing. On July 28, 2004, Cal. No. 29, the hearing was closed.)

**For consideration.**

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**No. 30**

CD 6

C 030415 ZSK

**IN THE MATTER OF** an application submitted by IKEA Properties, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 62-736 of the Zoning Resolution to modify the maximum building height requirements of Section 62-341(b)(3) to facilitate the development of a 3-story commercial building development on a zoning lot located at 1 Beard Street, a.k.a. 21 Erie Basin** (Block 612, Lot 130), in M1-1\*\* and M3-1 Districts.

\*\* Note: A portion of the site is proposed to be rezoned from an M3-1 District to an M1-1 District under a related application (C 030413 ZMK) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On July 14, 2004, Cal. No. 8, the Commission scheduled July 28, 2004 for a public hearing. On July 28, 2004, Cal. No. 30, the hearing was closed.)

**For consideration.**

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No. 31

CD 6

N 030416 ZAK

**IN THE MATTER OF** an application submitted by IKEA Property, Inc. for **the grant of an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the requirements of Sections 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) to facilitate the development of a 3-story commercial building development on a zoning lot located at 1 Beard Street, a.k.a. 21 Erie Basin** (Block 612, Lot 130), in M1-1\*\* and M3-1 Districts.

\*\* Note: A portion of the site is proposed to be rezoned from an M3-1 District to an M1-1 District under a related application (C 030413 ZMK) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**For consideration.**

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**BOROUGH OF MANHATTAN**

**No. 32**

***ODYSSEY HOUSE***

**CD 11**

**C 040438 HAM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 113, 115 and 121-127 East 123<sup>rd</sup> Street (Site 4C) within the Upper Park Avenue Urban Renewal Area (Block 1772, Lots 9, 10, 110, 11, 12 and 112) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer selected by HPD;

to facilitate development of a six-story building tentatively known as Odyssey House, with approximately 50 units for low-income persons with mental illness, to be developed under the New York State Office of Mental Health.

(On July 28, 2004, Cal. No. 10, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 15, the hearing was closed.)

**For consideration.**

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**No. 33**

***RANDALL'S ISLAND AQUATIC CENTER***

**CD 11**

**C 040459 MCM**

**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation, pursuant to Section 197-c of the New York City Charter, for a major concession for an aquatic entertainment center and related facilities in an approximately 26 acre portion of Randall's Island Park, generally located east of the Harlem River, south of the Bronx Kill, and north and east of the Triborough Bridge (Block 1819, part of Lot 203).

(On July 28, 2004, Cal. No. 11, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 16, the hearing was closed.)

**For consideration.**

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**Nos. 34, 35 and 36**

***HARLEM PARK HOTEL***

**No. 34**

**CD 11**

**C 040443 ZMM**

**IN THE MATTER OF** an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 6a and 6b:**

1. **eliminating from an existing R7-2 District a C1-4 District bounded by** a line midway between East 124<sup>th</sup> Street and East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, East 124<sup>th</sup> Street, and a line 100 feet westerly of Park Avenue;
2. **changing from an R7-2 District to a C4-7 District property bounded by** a line midway between East 124<sup>th</sup> Street and East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, East 124<sup>th</sup> Street, and a line 85 feet easterly of Madison Avenue; and

3. **changing from a C4-4 District to a C4-7 District property bounded by** East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, a line midway between East 124<sup>th</sup> Street and East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, and a line 215 feet westerly of Park Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2004 and subject to the conditions of CEQR Declaration E-133.

(On July 14, 2004, Cal. No. 10, the Commission scheduled July 28, 2004 for a public hearing. On July 28, 2004, Cal. No. 18, the hearing was closed.)

**For consideration.**

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**No. 35**

**CD 11**

**C 040444 ZSM**

**IN THE MATTER OF** an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit pursuant to Section 74-721(a) of the Zoning Resolution to modify the height and setback regulations of Section 33-43 (Maximum Height of Walls and Required Setbacks) and the tower regulations of Section 33-45 (Tower Regulations) of the Zoning Resolution to facilitate the development of a 42-story mixed use building on a zoning lot located at 1800 Park Avenue** (Block 1749, Lots 24, 31, 33, 35, 40 and 43), in a C4-7\*\* District.

\*\* Note: The site is proposed to be rezoned from R7-2, R7-2/C1-4 and C4-4 Districts to a C4-7 District under a related application (C 040443 ZMM) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On July 14, 2004, Cal. No. 11, the Commission scheduled July 28, 2004 for a public hearing. On July 28, 2004, Cal. No. 19, the hearing was closed.)

**For consideration.**

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**No. 36**

**CD 11**

**C 040445 ZSM**

**IN THE MATTER OF** an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 369 spaces on portions of the ground floor, cellar 1 level, cellar 2 level and cellar 3 level of a proposed 42-story mixed use building on a zoning lot located at 1800 Park Avenue** (Block 1749, Lots 24, 31, 33, 35, 40 and 43), in a C4-7\*\* District.

\*\* Note: The site is proposed to be rezoned from R7-2, R7-2/C1-4 and C4-4 Districts to a C4-7 District under a related application (C 040443 ZMM) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On July 14, 2004, Cal. No. 12, the Commission scheduled July 28, 2004 for a public hearing. On July 28, 2004, Cal. No. 20, the hearing was closed.)

**For consideration.**

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**No. 37**

***SIGN TEXT***

**CD 4, 5 AND 7**

**N 040467 ZRM**

**IN THE MATTER OF** an application submitted by the West 37<sup>th</sup> Group LLC pursuant to Section 201 of the New York City Charter, **for an amendment to Section 42-451** of the Zoning Resolution of the City of New York relating to Article IV, Chapter 2 concerning sign regulations for Theaters, as follows:

Matter in **gray tone** is new, to be added;

Matter within ## is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in Zoning Resolution

42-541  
Permitted projection

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-542 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except as provided below:

(a) In M1-5A, M1-5B, M1-5M and M1-6M Districts and in #Manufacturing Districts# mapped within the #Special Tribeca Mixed Use District#, for each establishment located on the ground floor, #non-illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.

(b) For #zoning lots# occupied by more than two theaters and located within one-half mile of the Theater Subdistrict of the #Special Midtown District#, 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#.

(On July 28, 2004, Cal. No. 12, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 17, the hearing was closed.)

**For consideration.**

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**BOROUGH OF QUEENS**

**No. 38**

***LOGAN BUS COMPANY***

**CD 13**

**C 040309 PPQ**

**IN THE MATTER OF** an application submitted by the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for disposition of one (1) city-owned property located adjacent to John F. Kennedy International Airport (Block 14260 part of Lot 1), bounded by Rockaway Boulevard, Eastern Road and North Boundary Road, pursuant to zoning.

(On July 28, 2004, Cal. No. 13, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 18, the hearing was closed.)

**For consideration.**

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**No. 39**

***QUICK INTERNATIONAL COURIER***

**CD 13**

**C 040310 PPQ**

**IN THE MATTER OF** an application submitted by the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for disposition of one (1) city-owned property located adjacent to John F. Kennedy International Airport (Block 14260 part of Lot 1), bounded by Rockaway Boulevard, Eastern Road and North Boundary Road, pursuant to zoning.

(On July 28, 2004, Cal. No. 14, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 19, the hearing was closed.)

**For consideration.**

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*JAMAICA HILLS REZONING*

CD 8

C 040492 ZMQ

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 14c and 14d:**

1. **changing from an R3-2 District to an R3X District property bounded by 82<sup>nd</sup> Avenue, 175<sup>th</sup> Street, the northerly service road of the Grand Central Parkway and its easterly centerline prolongation, Utopia Parkway, Homelawn Street, Gothic Drive, 169<sup>th</sup> Street and its northerly centerline prolongation, the northerly service road of the Grand Central Parkway, and 172<sup>nd</sup> Street;**
2. **changing from an R4 District to an R3X District property bounded by:**
  - a. 82<sup>nd</sup> Avenue and its westerly centerline prolongation, 172<sup>nd</sup> Street, the northerly service road of the Grand Central Parkway, a line 300 feet westerly of 172<sup>nd</sup> Street, a line 100 feet northerly of the northerly service road of the Grand Central Parkway, and a line 100 feet westerly of 172<sup>nd</sup> Street; and
  - b. the southerly service road of the Grand Central Parkway, 169<sup>th</sup> Street, a line 200 feet southerly of 84<sup>th</sup> Avenue/Abigail Adams Avenue, a line midway between 168<sup>th</sup> Place and 169<sup>th</sup> Street, a line 280 feet southerly of 84<sup>th</sup> Avenue/Abigail Adams Avenue, and 168<sup>th</sup> Street;
3. **changing from an R3-2 District to an R4A District property bounded by Gothic Drive, Homelawn Street, Highland Avenue, and 169<sup>th</sup> Street;**
4. **changing from an R4 District to an R4A District property bounded by a line 150 feet northerly of Gothic Drive, 168<sup>th</sup> Place, Gothic Drive, and 168<sup>th</sup> Street; and**
5. **changing from an R5 District to an R4A District property bounded by Gothic Drive, 169<sup>th</sup> Street, Highland Avenue, Homelawn Street, a line 150 feet southerly of Highland Avenue 169<sup>th</sup> Street, a line 150 feet northerly of Hillside Avenue, a line bisecting the angle formed by the southerly prolongations of the westerly street line of 167<sup>th</sup> Street and the easterly street line of 166<sup>th</sup> Street, Highland Avenue, and a line 125 feet westerly of 167<sup>th</sup> Street;**

as shown on a diagram (for illustrative purposes only) dated June 7, 2004.

(On July 28, 2004, Cal. No. 16, the Commission scheduled August 11, 2004 for a public hearing. On August 11, 2004, Cal. No. 21, the hearing was closed.)

**For consideration.**

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**BOROUGH OF STATEN ISLAND**

**No. 41**

***CEDARCLIFF ROAD***

**CD 1**

**N 030512 ZAR**

**IN THE MATTER OF** an application submitted by Joseph Fidele **for the grant of authorizations** pursuant to Sections 119-311 and 119-314 of the Zoning Resolution involving the development and site alteration on a zoning lot having a steep slope of 25% or more and modification of lot coverage controls **to allow for the construction of a single family detached house at Cedarcliff Road (Block 618, Lot 253) within the Special Hillside Preservation District.**

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> floor, Staten Island, New York, 10301.

**For consideration.**

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180

No. 42

*GLEN AVENUE*

CD 1

N 040231 ZAR

**IN THE MATTER OF** an application submitted by Sisters, LLC **for the grant of authorizations** pursuant to Sections 119-311, 119-314, and 119-316 of the Zoning Resolution involving development and site alteration on a zoning lot having a steep slope of 25% or more, modification of lot coverage controls, and modification of grading controls **to allow for the construction of 1 two-family, detached house located on Glen Avenue at Castleton Avenue (Block 119, Lot 77) within the Special Hillside Preservation District.**

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> floor, Staten Island, New York, 10301.

**For consideration.**

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**IV. CITY PLANNING COMMISSION 2004 SCHEDULE OF MEETINGS  
July 1 to December 31**

|                  | SUN  | MON   | TUE                                 | WED   | THU                                | FRI                                       | SAT                             | Notes  |
|------------------|--|---|-------------------------------------|---|------------------------------------|---|---------------------------------|--|
| <b>JULY</b>      |  |   |                                     |   | 1                                  | 2   | 3                               |  |
|                  | 4<br><small>INDEPENDENCE DAY</small>       | 5<br><small>INDEPENDENCE DAY OBSERVED</small> | 6                                   | 7   | 8                                  | 9   | 10                              |  |
|                  | 11<br><small>REVIEW SESSION</small>        | 12  | 13                                  | 14<br><small>CPC PUBLIC MEETING</small>                                 | 15                                 | 16  | 17                              |  |
|                  | 18   | 19  | 20                                  | 21  | 22                                 | 23  | 24                              |  |
|                  | 25<br><small>REVIEW SESSION</small>        | 26  | 27                                  | 28<br><small>CPC PUBLIC MEETING</small>                                 | 29                                 | 30  | 31                              |  |
| <b>AUGUST</b>    | 1  | 2   | 3                                   | 4   | 5                                  | 6   | 7                               |  |
|                  | 8<br><small>REVIEW SESSION</small>         | 9   | 10                                  | 11<br><small>CPC PUBLIC MEETING</small>                                 | 12                                 | 13  | 14                              |  |
|                  | 15   | 16  | 17                                  | 18  | 19                                 | 20  | 21                              |  |
|                  | 22<br><small>REVIEW SESSION</small>        | 23  | 24                                  | 25<br><small>CPC PUBLIC MEETING</small>                                 | 26                                 | 27  | 28                              |  |
|                  | 29   | 30  | 31                                  |   |                                    |   |                                 |  |
| <b>SEPTEMBER</b> |  |   |                                     | 1   | 2                                  | 3   | 4                               |  |
|                  | 5  | 6<br><small>LABOR DAY</small>                 | 7<br><small>*REVIEW SESSION</small> | 8<br><small>CPC PUBLIC MEETING</small>                                  | 9                                  | 10  | 11                              | *Review Session will be held on <b>Tuesday, September 7<sup>th</sup></b> |
|                  | 12   | 13  | 14                                  | 15  | 16<br><small>ROSH HASHANAH</small> | 17  | 18                              |  |
|                  | 19<br><small>REVIEW SESSION</small>        | 20  | 21                                  | 22<br><small>CPC PUBLIC MEETING</small>                                 | 23                                 | 24  | 25<br><small>YOM KIPPUR</small> |  |
|                  | 26   | 27  | 28                                  | 29  | 30                                 |   |                                 |  |
|                  |  |   |                                     |   | 1                                  | 2   |                                 |  |
| <b>OCTOBER</b>   | 3<br><small>REVIEW SESSION</small>         | 4   | 5                                   | 6<br><small>CPC PUBLIC MEETING</small>                                  | 7                                  | 8   | 9                               |  |
|                  | 10<br><small>COLUMBUS DAY OBSERVED</small> | 11  | 12                                  | 13  | 14                                 | 15  | 16                              |  |
|                  | 17<br><small>REVIEW SESSION</small>        | 18  | 19                                  | 20<br><small>CPC PUBLIC MEETING</small>                                 | 21                                 | 22  | 23                              |  |
|                  | 24   | 25  | 26                                  | 27  | 28                                 | 29  | 30                              |  |
|                  | 31   |   |                                     |   |                                    |   |                                 |  |
| <b>NOVEMBER</b>  |  | 1<br><small>REVIEW SESSION</small>            | 2<br><small>ELECTION DAY</small>    | 3<br><small>CPC PUBLIC MEETING</small>                                  | 4                                  | 5   | 6                               |  |
|                  | 7  | 8   | 9                                   | 10  | 11<br><small>VETERANS DAY</small>  | 12  | 13                              |  |
|                  | 14<br><small>REVIEW SESSION</small>        | 15  | 16                                  | 17<br><small>CPC PUBLIC MEETING</small>                                 | 18                                 | 19  | 20                              |  |
|                  | 21   | 22  | 23                                  | 24  | 25<br><small>THANKSGIVING</small>  | 26  | 27                              |  |
|                  | 28   | 29  | 30                                  |   |                                    |   |                                 |  |
| <b>DECEMBER</b>  |  |   |                                     | 1   | 2                                  | 3   | 4                               |  |
|                  | 5<br><small>REVIEW SESSION</small>         | 6   | 7                                   | 8<br><small>CPC PUBLIC MEETING<br/><small>ROSH HASHANAH</small></small> | 9                                  | 10  | 11                              |  |
|                  | 12   | 13  | 14                                  | 15  | 16                                 | 17  | 18                              |  |
|                  | 19<br><small>REVIEW SESSION</small>        | 20  | 21                                  | 22<br><small>CPC PUBLIC MEETING</small>                                 | 23                                 | 24<br><small>GUSNETA DAY OBSERVED</small> | 25<br><small>CHRISTMAS</small>  |  |
|                  | 26<br><small>ST. DAY KWANZAA</small>       | 27  | 28                                  | 29  | 30                                 | 31<br><small>NEW YEAR'S DAY</small>       |                                 |  |

*Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.  
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.*