

Zoning for Quality and Affordability

Summary of proposed changes to Article III, Chapter 7 – Special Urban Design Regulations in Commercial Districts

Overview: Article III, Chapter 7 of the Zoning Resolution establishes urban design requirements and standards, including for streetscape, pedestrian circulation space, and public plazas. The proposal updates ground-floor use requirements based on contemporary best practices in the city’s retail corridors, and consolidates the requirements throughout the Zoning Resolution into one section for greater accessibility and consistency. More specifically, the proposal:

- Adds introductory language to help readers navigate the different urban design provisions in this Chapter.
- Establishes standard ground floor depth, width, transparency and parking wrap requirements for certain zoning districts, special areas, and special purpose districts.
- Moves the ground floor streetscape provisions for commercial districts with a residential equivalent of R9 or R10 districts without a letter suffix to Article III, Chapter 2 to be with other similar supplemental use regulations.
- Moves the sidewalk widening provisions for C6-3D districts to Section 35-24, to be with other street wall location provisions.
- Other edits for general clarity are also included.

If you would have comments or questions on this draft, please send them to ahousing@planning.nyc.gov.

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

Article III - Commercial District Regulations

Chapter 7 Special Urban Design Regulations

37-00 **GENERAL PURPOSES**

Special urban design regulations are set forth in this Chapter to improve the quality of the streetscape and to promote a lively and engaging pedestrian experience along commercial streets in various neighborhoods.

The provision of this Chapter shall apply as follows:

- (a) Section 37-10 sets forth applicability of Article II, Chapter 6 to #zoning lots# accessed by #private roads# in C1 or C2 Districts mapped within R3, R4 or R5 Districts;
- (b) Section 37-20, inclusive, sets forth special regulations for #lower density growth management area# in the Borough of Staten Island;
- (c) Section 37-30, inclusive, sets forth special streetscape provisions that apply in conjunction with provisions specified in the supplemental use provisions of Article III, Chapter 2, special provisions for certain areas in Article VI, or in Special Purpose Districts in Articles VIII through XIII;
- (d) Section 37-40, inclusive, sets forth provisions for relocating or renovating subway stairs in certain areas;
- (e) Section 37-50, inclusive, sets forth requirements for pedestrian circulation spaces that apply in conjunction with provisions specified in certain Special Purpose Districts;
- (f) Section 37-60, inclusive, sets forth provisions for #plazas#, #residential plazas# and #urban plazas# created prior to October 17, 2007;
- (g) Section 37-70, inclusive, sets forth provisions for #public plazas#;
- (h) Section 37-80 sets forth provisions for #arcades#; and
- (i) Section 37-90, inclusive, sets forth provisions for certain open parking areas.

Commented [DCP1]: Adding introductory language to help the reader better navigate the chapter.

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37-30

SPECIAL GROUND FLOOR LEVEL STREETScape PROVISIONS FOR CERTAIN AREAS
STREETScape

Commented [DCP2]: Adding introductory language for new standard ground floor requirement provisions for certain districts, special areas, and special purpose districts.

37-31

Applicability

Commented [DCP3]: Adding new standard inapplicability language modeled after Special Enhanced Commercial District (132-00).

This Section, inclusive, specifies #ground floor level# requirements that establish consistent minimum depths for certain #uses#, maximum widths for certain #uses#, minimum transparency, and parking wrap and screening requirements that apply as required by specific #ground floor level# requirements set forth for certain #Commercial Districts# in the supplemental #use# provisions of Section 32-40, inclusive; for certain #Manufacturing Districts# in Section 42-485; for #zoning lots# subject to the off-street parking regulations in the #Manhattan Core# in Article I, Chapter 3; for #zoning lots# subject to the special provisions for waterfront areas and FRESH food stores in Article VI, Chapters 2 and 3, respectively; and for #zoning lots# subject to the provisions of certain Special Purpose Districts.

However, the ground floor depth requirements for certain #uses# and minimum transparency requirements of Sections 37-32 and 37-34, respectively, shall not apply to:

- (a) #zoning lots# in #Commercial Districts# with a #lot width# of less than 20 feet, as measured along the #street line#, provided such #zoning lots# existed on (date of adoption) and on the date of application for a building permit; or
- (b) any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4.

The regulations of Sections 37-30 through 37-37, inclusive, shall apply to any #development# occupied by #predominantly residential use#, constructed after April 21, 1977, located on any #zoning lot# within C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8 Districts, or C1 and C2 Districts mapped within R9 or R10 Districts. However, Sections 37-30 through 37-37, inclusive, shall not apply within any Special Purpose District nor shall it apply to any #Quality Housing building#, except as otherwise set forth therein.

An application to the Department of Buildings for a permit respecting any #development# shall include a plan and an elevation drawn to a scale of at least one sixteenth inch to a foot of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #signs#, other than #advertising signs#, #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

Commented [DCP4]: Moving existing provisions to 32-345 to be with other similar regulations.

37-311

Definitions

The following definitions shall apply throughout Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETScape PROVISIONS FOR CERTAIN AREAS), inclusive.

Ground floor level

For the purposes of Section 37-30, inclusive, the “ground floor level” shall refer to a #building’s# lowest #story#.

Primary street frontage

For the purposes of Section 37-30, inclusive, a “primary street frontage” shall be the portion of the #ground floor level street# frontage along:

- (a) a #wide street#;
- (b) a narrow #street# where a #Commercial District# is mapped along an entire #block# frontage; or
- (c) a #narrow street# within 50 feet of a #wide street#.

Secondary street frontage

For the purposes of Section 37-30, inclusive, a “secondary street frontage” shall be a #ground floor level street frontage#, or portion thereof, subject to the provisions of Section 37-30, inclusive, that is not a #primary street frontage#.

37-32

Ground Floor Depth Requirements for Certain Uses

Definitions

The minimum depth for required ground floor non-#residential uses#, as applicable, shall be as set forth in this Section, except as set forth in Section 37-31 (Applicability).

Required #ground floor level# non-#residential uses# along a #primary street frontage# or a designated retail street specified in a Special Purpose District, as applicable, shall have a minimum depth of 30 feet, as measured perpendicular to the #ground floor level street wall#. However, such minimum depth requirement may be reduced where necessary to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

Commented [DCP5]: Adding a series of defined terms to make the applicable regulations clearer to the reader.

Commented [DCP6]: Adding new standard ground floor depth requirement based on Special Enhanced Commercial District (132-00).

Contiguous block

For the purposes of Sections 37-30 through 37-37, inclusive, a "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the #development#.

Contiguous lot

For the purposes of Sections 37-30 through 37-37, inclusive, a "contiguous lot" is a #zoning lot# which shares a common #side lot line# with the #zoning lot# of the #development#.

Development

For the purposes of Sections 37-30 through 37-37, inclusive, in addition to the definition of "development" pursuant to Section 12-10 (DEFINITIONS), "development" shall also include an #enlargement# involving an increase in #lot coverage#.

Predominantly residential use

For the purposes of Sections 37-30 through 37-37, inclusive, a "predominantly residential use" means a #building# having a #residential floor area# in excess of 50 percent of the total #building floor area#.

Commented [DCP7]: Moving existing provisions to 32-435 with other similar regulations.

37-33

Maximum Width of Certain Uses

Applicability of Article II

The widths of #residential# lobbies, entrances and exits to #accessory# off-street parking facilities, and entryways to subway stations shall be as set forth in this Section.

Commented [DCP8]: Adding new standard ground floor width requirement based on C4-5D and C6-3D and certain C2 districts previously located in 32-434.

(a) Ground floor lobbies

(1) Type 1

Where Type 1 lobby provisions apply, lobbies accessing #uses# not permitted on the #ground floor level# shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#, whichever is less. However, the width of such lobbies need not be less than 10 feet.

(2) Type 2

Where Type 2 lobby provisions apply, lobbies accessing #uses# not permitted on the #ground floor level# shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the #street wall# width of the #building# or more than 40 linear feet of #street wall#, whichever is less. However, the width of such lobbies need not be less than 20 feet.

(b) Entrances and exits to #accessory# parking facilities

Entrances and exits to #accessory# off-street parking facilities, where permitted on the #ground floor level#, or portion thereof, shall not exceed a #street wall# width equal to the sum of five feet plus the maximum curb cut width for the applicable district. Where no specified maximum curb cut width is set forth for the district, the curb cuts regulations for #buildings# containing #residences# in R6 through R8 Districts with a letter suffix in paragraph (e) of Section 25-631 shall be applied.

(c) Entryways to subway stations

Entrances to subway stations may be provided on the #ground floor level# of a #building# without restriction in #street wall# width.

In C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6 (Special Urban Design Guidelines – Streetscape), shall apply to any #development# occupied by #predominantly residential use#, except as modified by the provisions of Sections 37-34 to 37-37, inclusive, relating to Modifications to the Applicability of Article II, Chapter 6. The purpose of these modifications is to make the regulations of Article II, Chapter 6, applicable to #Commercial Districts#.

Commented [DCP9]: Moving existing provisions to 32-345 to be with other similar regulations.

37-34

Minimum Transparency Requirements

Modifications to Applicability of Article II, Chapter 6

The #ground floor level street wall# along a #primary street frontage# or a designated retail street set forth in a Special Purpose District, as applicable, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, except as set forth in Section 37-31 (Applicability).

Such transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers; and shall have a minimum width of two feet. The maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet.

Commented [DCP10]: Adding new standard transparency requirement based on Special Enhanced Commercial District (132-00).

However, such transparency requirements shall not apply to portions of the #ground floor level# occupied by: entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted; entryways to required loading berths, where permitted; entryways to subway stations, as applicable; or doors accessing emergency egress stairwells and passageways.

~~In C1-8, C1-9, C2-7, C2-8, C4-6, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6, applicable to #developments# occupied by a #predominantly residential use# are modified by the provisions of Sections 37-35 (Retail Continuity), 37-36 (Sign Regulations) and 37-37 (Street Wall Articulation).~~

37-35

Parking Wrap and Screening Requirements **Retail Continuity**

All #accessory# off-street parking spaces on the #ground floor level# of a #buildings# shall be wrapped by #floor area# in accordance with paragraph (a) or, where applicable, screened in accordance with applicable provisions of paragraph (b) of this Section.

(a) Along primary street frontages

For #ground floor levels#, or portions thereof, fronting along a #primary street frontage# or a designated retail street set forth in a Special Purpose District, as applicable, any portion of an #accessory# off-street parking facility that is located above #curb level#, except for permitted entrances and exits, shall be located behind permitted #commercial#, #community facility# or #residential floor area# so that no portion of such facility is visible from adjacent public sidewalks or publicly accessible areas. Such #floor area# shall have a minimum dimension of 30 feet, as measured perpendicular to the #street wall# of the #building#.

(b) Along secondary street frontages

For #ground floor levels#, or portions thereof, fronting along a #secondary street frontage# or 50 feet beyond a designated retail street set forth in a Special Purpose District, as applicable, off-street parking facilities, or portions thereof, may either be wrapped by #floor area# in accordance with paragraph (a) of this Section, or be designed in a manner that:

- (1) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;
- (2) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and

Commented [DCP11]: Moving existing provisions to 32-435 with other similar regulations.

Commented [DCP12]: Adding new standard parking wrap and screening requirement based on Manhattan Core parking regulations (13-221) and Special Harlem River Waterfront District (87-50).

- (3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces consists of opaque materials which may include permitted #signs#, graphic or sculptural art, or living plant material.

For #buildings# with front #building# walls that are at least 50 feet in width and front upon a #wide street#, a minimum of 50 percent of the width of such front #building# wall shall be occupied at the ground floor level by #commercial uses#, as permitted by district regulations.

In C1-8, C1-9, C2-7, C2-8, C4-6 Districts, and C1 or C2 Districts mapped within R9 or R10 Districts, #uses# which occupy such 50 percent of the front #building# wall shall be limited to those listed in Use Groups 6A, 6C and 6F, excluding banks and loan offices, except that in C4-6 Districts only, such #uses# may additionally include those listed in Use Groups 8A, 8B and 10A. All #uses# permitted by the underlying district regulations are permitted in the remaining 50 percent of the front #building# wall.

Such requirement of #commercial uses# for a minimum of 50 percent of the front #building# wall may be waived, or additional #uses# permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that an adequate supply of such #uses# already exists at the ground floor level in the surrounding area.

The Commission may require that an application for such certification of additional #uses# for a completed #building#, where #floor area# has been designated for occupancy for such #commercial uses#, establish that a good faith effort has been made to secure tenancy by such #uses#.

37-36

Sign Regulations

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8 and C4-6 Districts, and C1 or C2 Districts mapped within R9 or R10 Districts, all #signs#, other than #advertising signs# and window #signs#, shall be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above #curb level#. Where there is a grade change of at least 1.5 feet in 100 along the portion of the #street# upon which the #development# fronts, such signage band may be staggered along such #street#.

When a #building# on a #contiguous lot# or #contiguous block# contains #accessory# business #signs# within a coordinated horizontal band along its #street# frontage, the signage strip along the #development# shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Section. Such modifications will be permitted when the Commission finds that such

Commented [DCP13]: Moving existing provisions to 32-435 with other similar regulations.

Commented [DCP14]: Moving existing provisions to 32-435 with other similar regulations.

modifications will enhance the design quality of the #street wall#.

37-37

Street Wall Articulation

When any #building# wall which is five feet or more in height adjoins a sidewalk, a #public plaza# or an #arcade#, at least 50 percent of the total surface area of such wall between #curb level# and 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#.

Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such #building# wall, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 12 feet in height, shall be covered with ivy or similar planting or contain artwork or be treated so as to provide visual relief. Plants shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Design Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

Commented [DCP15]: Moving existing provisions to 32-435 with other similar regulations.

37-38

Sidewalk Widening in Certain Districts

C6-3D

In the district indicated, and in C1 or C2 Districts mapped within an R9D District, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. In addition, the provisions of paragraphs (f)(2) through (f)(5) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply.

Commented [DCP16]: Moving existing provisions to 32-435 with other similar regulations.

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37-40

OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or an #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, the #Special Union Square District# as listed in Section ~~118-60~~ 118-50 and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

* * *

END