

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



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Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Marisa Lago, Chair

Article III: Commercial District Regulations Chapter 7 - Special Regulations

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(10/17/07)

Chapter 7
Special Urban Design Regulations

(3/22/18)

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 provisions 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, and in C3 Districts;
- (b) Section 37-20, inclusive, sets forth special regulations for lower density growth management areas 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 XIV;
- (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 publicly accessible open areas such as 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, including landscaping.

(2/2/11)

37-10

APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) shall apply to any #zoning lot# with #buildings# accessed by #private roads#, except where such #zoning lot# contains #private roads# constructed prior to February 6, 2002. In addition, the open area between #buildings# and sidewalks required pursuant to Section 26-25 need not be planted where such open areas front upon #commercial uses#.

However, in C3A Districts located within #lower density growth management areas#, the provisions of 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

(12/21/05)

37-20

SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND

(12/21/05)

37-21

Special Screening Requirements Between Residential and Non-Residential Uses

In all C1, C2 and C4-1 Districts in the Borough of Staten Island, all #developments# or #enlargements# containing non-#residential uses# shall be screened from adjoining #zoning lots# containing only #residential uses# by a planting strip at least five feet wide along the common #side lot line#, densely planted with evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted. However, no such screening shall be required where both such #buildings# front upon a #street line# that forms the boundary of a #block# front mapped entirely as a #Commercial

District#.

(3/22/16)

37-30

SPECIAL GROUND FLOOR LEVEL STREETScape PROVISIONS FOR CERTAIN AREAS

(3/22/16)

37-31

Applicability

Section 37-30, inclusive, specifies #ground floor level# requirements that establish consistent standards for a minimum depth for certain #uses#, a maximum width for certain #uses#, minimum transparency requirements, and parking wrap and screening requirements that apply in conjunction with requirements set forth for certain #Commercial Districts# in the supplemental #use# provisions of Section 32-40, inclusive, for #Quality Housing buildings# in certain #Commercial Districts# subject to supplemental provisions for #qualifying ground floors#; for certain #Manufacturing Districts# in Section 42-485 (Streetscape provisions); 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 March 22, 2016, 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.

(3/22/16)

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 any of the following:

- (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#.

(3/22/16)

37-32

Ground Floor Depth Requirements for Certain Uses

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, to the minimum extent necessary, to accommodate vertical circulation cores or structural columns associated with upper #stories# of the

#building#.

(3/22/16)

37-33

Maximum Width of Certain Uses

The maximum width of lobbies, entrances and exits to #accessory# off-street parking facilities, and entryways to subway stations is set forth in this Section.

(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 cut regulations for #buildings# containing #residences# in R6 through R8 Districts with a letter suffix in paragraph (e) of Section 25-631 (Location and width of curb cuts in certain districts) shall be applied.

(c) Entryways to subway stations

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

(3/22/16)

37-34

Minimum Transparency Requirements

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 10 feet.

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.

(3/22/16)

37-35

Parking Wrap and Screening Requirements

All #accessory# off-street parking spaces on the #ground floor level# of a #building# 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 depth 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 shall be subject to the following design requirements:

- (1) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
- (2) opaque materials shall be 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
- (3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, graphic or sculptural art, decorative screening or latticework, or living plant material.

(3/22/16)

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 118-50 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.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50.

Station	Line
<u>The Bronx</u>	
161st Street**	Grand Concourse
<u>Manhattan</u>	
8th Street	Broadway-60th Street
23rd Street	Broadway-60th Street
23rd Street	Lexington Avenue
28th Street	Lexington Avenue
33rd Street	Lexington Avenue
34th Street-Penn Station	8th Avenue
59th Street/Lexington Avenue-60th St.	Lexington Avenue and Broadway-60th Street

* Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans with Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations

** Access stairways to elevated portions of a station complex are exempt from this requirement

(10/17/07)

In addition to the standards set forth in the current station planning guidelines as issued by New York City Transit, the following standards shall also apply:

(a) Location

The relocated or renovated entrance shall be immediately adjacent to, and accessible without any obstruction from, a public sidewalk or pedestrian circulation space as defined in Section 37-50. Any such pedestrian circulation space shall have a minimum horizontal dimension equal to the width of the relocated stairs or the minimum width of the pedestrian circulation space, whichever is greater.

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

(b) Design standards

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

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

The relocated entrance may be relocated within a #public plaza#, provided that the minimum width of each stair is 10 feet and the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a sidewalk widening. A relocated entrance within a #public plaza# is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a #public plaza#.

For a relocated entrance only, the entrance shall have a queuing space at the top and bottom of the stairs that is at least eight feet wide and 15 feet long. Such queuing space may overlap with a #public plaza# or an #arcade# in accordance with the provisions of Sections 37-53 (Design Standards for Pedestrian Circulation Spaces) or 37-80 (ARCADES).

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width

of the stairs, and a minimum length of five feet.

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

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

The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.

The below-grade portion of a relocated entrance may be constructed within the #street#.

(c) Hours of public accessibility

The relocated or renovated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by New York City Transit.

(2/2/11)

37-42

Administrative Procedure for a Subway Stair Relocation or Renovation

For any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance or counts a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued, unless the following criteria are met:

- (a) for a relocated entrance, such plan includes a stair relocation plan and related documents that require:
 - (1) construction of the new stair entrance in accordance with such plan;
 - (2) demolition of above-ground elements of the existing entrance;
 - (3) sealing of the existing entrance at the sidewalk level;

and

- (4) maintenance of the work performed on the relocated or renovated entrance; or
- (b) for a renovated entrance, such plan includes a renovation plan and related documents that require:
 - (1) renovation of the entrance in accordance with such plan; and
 - (2) maintenance of the work performed on the renovated entrance; and
- (c) such plan and related documents bear New York City Transit's approval; and
- (d) such plan is accompanied by a certified copy of an agreement, as recorded between New York City Transit and the owner for an easement on the #zoning lot# for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the #zoning lot# in the Office of the Register of the City of New York and is accompanied by the Register's receipt of recordation; and
- (e) no permanent certificate of occupancy shall be issued for the #building# either altered or #developed#, as set forth in Section 37-40, or #enlarged#, that is subject to the subway stair relocation requirement or is counting a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-50, inclusive, unless and until all of the work required under paragraph (a) or (b) of this Section has been completed and New York City Transit has so certified in writing to the Department of Buildings.

(3/22/16)

37-43

Modification of Requirements for a Relocated or Renovated Subway Stair

The Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of Sections 32-435 (Ground floor use in high density Commercial Districts) and 37-41 (Standards for Location, Design and Hours of Public Accessibility) or 37-70 (PUBLIC PLAZAS) if the relocated subway stair cannot be accommodated without modification

to these provisions.

(10/17/07)

37-44

Waiver of Requirements

The provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR) may be waived by joint certification of New York City Transit and the Chairperson of the City Planning Commission that major construction problems or operating design considerations render the stair relocation infeasible. In such event, the stair relocation requirement may be satisfied by retention of the existing stair and the provision on the #zoning lot# of an open area, qualifying under the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), that accommodates pedestrian traffic passing the existing stair entrance.

(10/17/07)

37-50

REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

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

(2/2/11)

37-51

Amount of Pedestrian Circulation Space

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

MINIMUM PEDESTRIAN CIRCULATION SPACE REQUIREMENTS

Size of #zoning lot#	Required area of pedestrian circulation space
5,000 to 20,000 sq. ft.	1 sq. ft. per 350 sq. ft. of

		new #floor area#
Above 20,000 sq. ft.	1 sq. ft. per 300 sq. ft. of	new #floor area#

(10/17/07)

37-52

Types of Pedestrian Circulation Space

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

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

PROVISION OF PEDESTRIAN CIRCULATION SPACE ON CERTAIN TYPES OF LOTS

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
Arcade	x	x	x
#Building# entrance recess area	x	x	x
Corner arcade	x		
Corner circulation space	x		
Relocation or renovation of subway stair	x	x	x
Sidewalk widening	x	x	x
Subway station improvement	x	x	x
Through #block# connection	x	x	
#Public plaza#	x	x	x

Minimum design standards for each type of pedestrian circulation space and, where applicable, the maximum amount of each type of pedestrian circulation space that may be counted toward meeting the requirements of Section 37-51 (Amount of Pedestrian Circulation Space) are set forth in Section 37-53 (Design Standards for Pedestrian Circulation Spaces).

(4/30/12)

37-53

Design Standards for Pedestrian Circulation Spaces

(a) Arcade

Arcades shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES). In lieu thereof, the provisions of this Section shall apply.

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

An arcade shall meet the following requirements:

(1) Dimensions

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

- (i) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade without columns is permitted only if:

- (a) it has a continuous, unobstructed minimum length of 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater; and
 - (b) the entire #front lot line# shall be unobstructed for the same depth of the arcade, except for that portion of the #front lot line# occupied by an existing #building#.
- (ii) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade with columns is permitted only if it connects directly to an existing arcade on an adjacent #zoning lot#, matching it in width and alignment, and has a continuous, unobstructed minimum length beyond the existing adjacent arcade of at least 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater.
- (iii) On a #corner lot# fronting on a #narrow street#, an arcade is permitted only if it extends for the full length of the #street# frontage, with the exception of a driveway for a required loading berth located at the #side lot line# of the #zoning lot#, or if the arcade provides unobstructed pedestrian flow along such entire frontage in combination with one or more of the following other spaces with which it connects at one or both ends: a corner arcade, a #publicly accessible open area#, an off-street rail mass transit access improvement, an intersecting sidewalk widening, an intersecting #street#, a relocated or renovated subway entrance, a through #block# connection or a through #block# galleria.
- (iv) On a #wide street#, an arcade shall be permitted, provided that:
- (a) the arcade extends along the full length of the #street line# between intersecting #streets#; or
 - (b) in the case of an arcade that occupies less than the entire #street# frontage between intersecting #streets#, on a full #block# front

#zoning lot#, unobstructed pedestrian flow along the entire frontage is provided on the #zoning lot# by the arcade in combination with one or more of the following #open spaces# with which the arcade connects at one or both ends: a corner circulation space, a #publicly accessible open area# or an intersecting sidewalk widening; or

- (c) in the case of an arcade whose #zoning lot# occupies less than the entire #street# frontage between intersecting #streets#, the arcade connects with an existing arcade of matching width and alignment, a #publicly accessible open area# on an adjacent #zoning lot#, so that unobstructed pedestrian flow along the entire #block# front is provided by the arcade in combination with such existing spaces.

(2) Full #block# front arcade

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

(3) Permitted obstructions

Except for #building# columns, and exterior wall thickness pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), an arcade shall be free from obstructions of any kind.

(4) Specific prohibitions

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

(5) Illumination

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

(b) #Building# entrance recess area

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

A #building# entrance recess area shall meet the following requirements:

(1) Dimensions

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

(2) Permitted obstructions

Any portion of a #building# entrance recess area under an overhanging portion of the #building# shall have a minimum clear height of 15 feet. It shall be free of obstructions except for exterior wall thickness pursuant to Section 33-23, and #building# columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a #building# column and a wall of the #building#, there shall be a clear path at least five feet in width.

(3) Permitted overlap

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

(c) Corner arcade

A corner arcade shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES). In lieu thereof, a corner arcade shall be a small covered space adjoining the intersection of two #streets# at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner arcade shall meet the following requirements:

(1) Dimensions

(i) a corner arcade shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#; and

(ii) the height of a corner arcade shall be not less than 12 feet and a clear path at least 12 feet wide shall be provided from one #street line# to another #street line#.

(2) Permitted obstructions

Except for #building# columns, and exterior wall thickness pursuant to Section 33-23, a corner arcade shall be free from obstructions of any kind.

(3) Specific prohibitions

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

(4) Permitted overlap

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

(d) Corner circulation space

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

A corner circulation space shall meet the following requirements:

(1) Dimensions

A corner circulation space shall have the same minimum dimensions as a corner arcade, as described in paragraph

(c)(1) of this Section.

(2) Permitted obstructions

A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements does not exceed 20 percent of the area of the corner circulation space and that such elements and any attachments thereto are at least eight feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, #building# columns, #street# trees, planters, vehicle storage, parking or trash storage. However, exterior wall thickness may be added pursuant to Section 33-23. No gratings, except for drainage, shall be permitted.

(3) #Building# entrances

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

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

(4) Permitted overlap

A corner circulation space may overlap with a sidewalk widening.

(e) Relocation or renovation of a subway stair

When a #development# or #enlargement# is constructed on a #zoning lot# containing a relocated stairway entrance or entrances to a subway, or an existing stairway entrance or entrances to a subway, and such entrance or entrances are relocated or renovated in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), inclusive, one and one-half times the area, measured at #street# level, of such entrance or entrances may count toward meeting the pedestrian circulation space requirement.

(f) Sidewalk widening

A sidewalk widening is a continuous, paved, open area along the #front lot line# of a #zoning lot# at the same elevation

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

A sidewalk widening shall meet the following requirements:

(1) Dimensions

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

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

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

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

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

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

(2) Permitted interruptions

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

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

(3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under paragraph (f)(2) of this Section, for exterior wall thickness pursuant to Section 33-23, and for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements, measured on the plan, does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb

level#.

(4) Specific prohibitions

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

(5) Special design treatment

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

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

(g) Subway station improvement

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

(h) Through #block# connection

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

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

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

(1) Location

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

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

- (i) A through #block# connection shall provide a straight, continuous, unobstructed path at least 15 feet wide. If covered, the clear, unobstructed height of a through #block# connection shall not be less than 15 feet. Exterior wall thickness, as set forth in Section 33-23, shall be a permitted obstruction to such path.
- (ii) At no point shall the level of a through #block# connection be more than five feet above or below #curb

level#. In all cases, the through #block# connection must provide a clear path, accessible to people with disabilities, through its entire length.

- (iii) A through #block# connection may be located inside or outside of a #building#. The area of a through #block# connection located within a #building# shall be counted as #floor area#.
- (iv) A through #block# connection located partially or wholly within a #building# shall adjoin and connect directly to the #building's# main lobby via unobstructed openings with an aggregate width exceeding that of any other entrances to the lobby.
- (v) A through #block# connection located wholly or partially outside a #building# shall provide unobstructed access directly to the #building's# main lobby through the major entrance. For the purposes of this Section, the major entrance shall be that entrance to the main lobby which has the greatest aggregate width of clear openings for access.
- (vi) Any portion of a through #block# connection located outside a #building# shall be illuminated throughout with a minimum level of illumination of not less than five horizontal foot candles (lumens per candle). Such illumination shall be maintained throughout the hours of darkness.
- (vii) A through #block# connection shall at a minimum be accessible to the public from 8:00 a.m. to 7:00 p.m. on the days the #building# is open for business and shall have posted, in prominent, visible locations at its entrances, #signs# meeting the standards set forth in paragraph (h)(2)(viii) of this Section.
- (viii) A through #block# connection shall provide the following information for public access at each public entry to the through #block# connection:
 - (a) For an unenclosed through #block# connection, the public access information shall be an entry plaque located at the entrance to the through #block# connection at each #street# frontage. The entry plaque shall contain:
 - (1) a public space symbol, provided in the [Required Signage Symbols](#) file at the

Department of City Planning website, which is at least 14 inches square in dimension, has a white background, has a grid of four straight lines no greater than one-eighth inch wide and green in color and has a tree-shaped symbol as shown:



(37-53h2.8a1, 37-751a1)

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

The entry plaque shall be mounted with its center five feet above the elevation of the nearest walkable pavement on a wall or a permanent freestanding post. It shall be placed so that the entire entry plaque is obvious and directly visible without any obstruction, along every line of sight from all paths of pedestrian access to the through #block# connection, in a position that clearly identifies the entry to the connection.

- (b) For an enclosed through #block# connection or a portion thereof:
 - (1) a public space symbol as described in paragraph (h)(2)(viii)(a) of this Section, not less than six inches square, shall be mounted with its center five feet above the elevation of the nearest walkable pavement;
 - (2) lettering stating "PUBLIC ACCESS TO _____ STREET," indicating the opposite #street# to which the through #block# connection

passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol; and

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

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

(i) #Public plaza#

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

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

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

All #public plazas# shall comply with Section 37-70 (PUBLIC PLAZAS), inclusive.

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

(10/17/07)

37-54

Modification of Design Standards of Pedestrian Circulation Spaces Within Existing Buildings

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

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

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

- (1) a modification is needed because of the inherent constraints of the existing #building#;
- (2) the modification is limited to the minimum needed because of the inherent constraints of the existing #building#; and
- (3) the pedestrian circulation space as modified shall be equal in area, and substantially equivalent, to the required space in terms of quality, effectiveness and suitability for public use.

(10/17/07)

37-60

PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007

(10/17/07)

37-61

Design Standards

Design standards for #plazas#, #residential plazas# and #urban plazas developed# prior to October 17, 2007, are located in APPENDIX E of this Resolution.

(10/17/07)

37-62

Changes to Existing Publicly Accessible Open Areas

(10/17/07)

37-621

Elimination or reduction in size of non-bonused open area

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza#, #residential plaza# or #urban plaza#, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(10/17/07)

37-622

Elimination or reduction in size of bonused open area

No existing #plaza#, #residential plaza# or #urban plaza# shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

(10/17/07)

37-623

Nighttime closings

The City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(10/17/07)

37-624

Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #plaza#, #residential plaza# or #urban plaza# upon certification by the Chairperson of the City Planning Commission, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(6/21/16)

37-625

Design changes

Except as otherwise provided in Sections 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions), 91-83 (Retail Uses Within Existing Arcades) and 91-841 (Authorization for retail uses within existing arcades), design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

(10/17/07)

37-70

PUBLIC PLAZAS

#Public plazas# are open areas on a #zoning lot# intended for public use and enjoyment. The standards contained within Sections 37-70 through 37-78, inclusive, are intended to serve the following specific purposes:

- (a) to serve a variety of users of the #public plaza# area;
- (b) to provide spaces for solitary users while at the same time providing opportunities for social interaction for small groups; and
- (c) to provide safe spaces, with maximum visibility from the #street# and adjacent #buildings# and with multiple avenues for ingress and egress.

All #public plazas# shall comply with the provisions of Section 37-70 through 37-78, inclusive. These provisions may be modified pursuant to Section 74-91 (Modification of Public Plazas).

(10/17/07)

37-71
Basic Design Criteria

(10/17/07)

37-711
Definitions

Corner public plaza

A "corner public plaza" is a #public plaza# that is located on an intersection of two or more #streets#.

Through block public plaza

A "through block public plaza" is a #public plaza# or portion of a #public plaza# that is not a #corner public plaza# and that connects two #streets# that are parallel or within 45 degrees of being parallel to each other.

(6/10/09)

37-712
Area dimensions

A #public plaza# shall contain an area of not less than 2,000 square

feet. In no case shall spaces between existing #buildings# remaining on the #zoning lot# qualify as #public plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #public plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #public plazas#, or between a #public plaza# and a #building# wall or #arcade#.

Any non-bonused open area located adjacent to a #public plaza#, other than an open area bounding a #street line# used for pedestrian access, must either:

- (a) be separated from the #public plaza# by a buffer, such as a wall, decorative fence, or opaque plantings at least six feet in height; or
- (b) meet all requirements for minor portions of #public plazas# related to size, configuration, orientation, as specified in Section 37-716.

(7/20/17)

37-713

Locational restrictions

No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park# as measured along the #street line# on which the existing amenity fronts if the #public plaza# is to be located on the same side of the #street#, or as measured along the directly opposite #street line# if the #public plaza# is to be located on the other side of the #street#. Such distance shall include the width of any #street# that intersects the #street# on which the amenity fronts. However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing #publicly accessible open area# or #public park# and if the Chairperson of the City Planning Commission finds that the location of the #public plaza# at such location would create or contribute to a pedestrian circulation network connecting the two or more open areas.

Additional provisions regarding the location of a #public plaza# are set forth in the #Special Midtown District#, the #Special Lower Manhattan District# and the #Special Downtown Brooklyn District#.

(10/17/07)

37-714

Restrictions on orientation

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-facing" #street line# means a #street line# facing within 45 degrees of the direction indicated. To front on a #street# means to be contiguous to the #street line# or to a sidewalk widening along the #street line#.

- (a) Where the major portion of a #public plaza# fronts on only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.
- (b) No major portion of a #public plaza# shall only front on a west-facing #street line# or an east-facing #street line# if the #zoning lot# also has frontage that is 40 feet or more in length on a south-facing #street line#.
- (c) A #corner public plaza# must have its major portion, as defined in paragraph (b) of Section 37-715, front on the south-facing #street line#. In the case of a #zoning lot# having frontage on a south-facing #street line# of less than 40 feet, or having its frontage at the intersection of a north-facing #street line# with either an east- or west-facing #street line#, the major portion must front on the east- or west-facing #street line#.

However, the orientation restrictions may be modified if the Chairperson of the City Planning Commission finds that the orientation regulations would conflict with mandatory #street wall# regulations or that the modifications would result in better access to light and air for the #public plaza#.

(10/17/07)

37-715

Requirements for major portions of public plazas

The major portion of a #public plaza# is the largest area of the #public plaza# and the area of primary use. Major portions shall be generally regular in shape, easily and directly accessible from adjoining #buildings# and public spaces, and continuously visible from within all portions of the #public plaza# and from adjoining public spaces. Major portions shall occupy no less than 75 percent of the total #public plaza# area.

- (a) All contiguous #public plaza# areas on a #zoning lot# shall be considered as one #public plaza#.

- (b) The shape and dimensions of a #public plaza# shall be such that all points within the major portion shall be visible when viewed perpendicular from each adjacent #street#. #Corner public plazas# that front on two #streets# that do not meet at a 90 degree angle must be fully visible when viewed perpendicular from one adjoining #street# and at least 50 percent of the #public plaza# must be visible when viewed perpendicular to the other adjoining #street#. For the purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible one from the other; visibility between points shall not be affected by permitted obstructions or by changes of grade. Points within #public plazas# that front on three intersecting streets shall be treated as two #corner public plazas#.

The major portion of a #public plaza# shall be at least 75 percent of the #public plaza's# total area, except that in the case of a #through block public plaza#, pursuant to Section 37-717, a line drawn within 25 feet of the midblock line shall divide the #through block public plaza# into two areas that must separately meet all requirements of the #public plaza# regulations. The major portion of the #public plaza# shall be subject to the proportional requirements set forth in paragraphs (c) and (d) of this Section.

- (c) The major portion of a #public plaza# shall have a minimum average width and depth of 40 feet. For #public plazas# that front on only one #street#, no more than 20 percent of the #public plaza# area may have a width of less than 40 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #public plaza# fronts.
- (d) For major portions of #public plazas#, the maximum width measured parallel to any one #street# shall not be greater than three times the average depth of the #public plaza# measured perpendicular to the #street line# or the average width measured parallel to any one #street# shall not be greater than three times the maximum depth of the #public plaza# measured perpendicular to the #street line#.

(10/17/07)

37-716

Requirements for minor portions of public plazas

Minor portions of #public plazas# are secondary areas that allow for additional flexibility in the shape and configuration of a #public plaza#. Minor portions shall not occupy more than 25 percent of the

total area of the #public plaza#. The width of a minor portion shall be measured parallel to the line separating the major and minor portions. The depth of a minor portion shall be measured perpendicular to the line separating the major and minor portions. The provisions of Section 37-715 (Requirements for major portions of public plazas) shall not apply to such minor portions and the following regulations shall apply:

- (a) The minor portion shall have a minimum average width and depth of 15 feet.
- (b) The minor portion must be directly adjacent to the major portion.
- (c) All points within the minor portion must be visible from within the major portion when viewed perpendicular to the line separating the major and minor portions.
- (d) The minor portion must front directly on a #street# adjoining the major portion, unless the minor portion has:
 - (1) a width to depth ratio of at least 3:1; and
 - (2) its longest dimension contiguous with the major portion.

(10/17/07)

37-717

Regulations for through block public plazas

#Through block public plazas# shall be treated as two #public plazas# separated at a line drawn within 25 feet of the midblock line.

Where any #building# wall or walls adjoin a #through block public plaza# or through #block# portion of a #public plaza# and where such wall or walls exceed 120 feet aggregate length, a minimum 10 foot setback at a height between 60 and 90 feet is required for the full length of the #building# wall.

#Through block public plazas# shall contain a circulation path at least 10 feet in width, connecting the two #streets# on which the #public plaza# fronts, as specified in Section 37-723.

(10/17/07)

37-718

Paving

The paving of the #public plaza# shall be of non-skid durable materials that are decorative and compatible in color and pattern with other design features of the #public plaza#.

(10/17/07)

37-72

Access and Circulation

(4/30/12)

37-721

Sidewalk frontage

To facilitate pedestrian access to a #public plaza#, the following rules shall apply to the area of the #public plaza# located within 15 feet of a #street line# or sidewalk widening line:

- (a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:
 - (1) at least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and
 - (2) such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.
- (b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, exterior wall thickness pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions.

(10/17/07)

37-722

Level of plaza

The level of a #public plaza#, inclusive of major and minor portions, shall not at any point be less than the average elevation of #curb level# of the nearest adjoining #street# nor more than two feet above the average #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#. However, a #public plaza# with an area of 10,000 square feet or more may additionally have a maximum of 20 percent of its area at an elevation more than two feet above, but not more than four feet above #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#, provided that such higher portion may not be located within 25 feet of any #street line#. #Public plazas# that front on #streets# with slopes greater than 2.5 percent along the frontage of the #public plaza# may not at any point be more than one foot below the #curb level# of the adjoining #street#.

(10/17/07)

37-723

Circulation paths

Circulation paths within #public plazas# shall provide for unobstructed pedestrian circulation throughout the minor and major portions of the #public plaza# and shall, at a minimum, connect all #streets# on which the #public plaza# fronts and all major elements of the #public plaza#, including seating areas, #building# entrances, approved open air cafes and kiosks, and significant design features of the #public plaza#. A minimum of one such circulation path shall be provided of at least eight feet clear width. Circulation paths shall extend to at least 80 percent of the depth of the major portion of the #public plaza#, measured perpendicular from each #street line#. #Through block public plazas# shall provide at least one circulation path with a minimum width of 10 feet connecting each #street# on which the #public plaza# fronts. Trees planted flush to grade, light stanchions, trash receptacles, and public space

signage shall be considered permitted obstructions within circulation paths; however, all trees located within circulation paths must comply with the regulations for flush-to-grade trees in Section 37-742.

(6/10/09)

37-724

Subway entrances

Where an entry to a subway station exists in the sidewalk area of a #street# on which a #public plaza# fronts and such entry is not replaced within the #public plaza# itself, the #public plaza# shall be at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #public plaza# area around a subway entry shall be free of all obstructions and may count towards the required clear area requirements as specified in Section 37-721 (Sidewalk frontage).

(10/17/07)

37-725

Steps

Any steps provided within the #public plaza# must have a minimum height of four inches and a maximum height of six inches. Steps must have a minimum tread of 17 inches; steps with a height of five inches, however, may have a minimum tread of 15 inches.

(4/30/12)

37-726

Permitted obstructions

- (a) #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools and waterfalls; sculptures and other works of art; seating, including benches, seats and moveable chairs; trees, planters, planting beds, lawns and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms; permitted temporary exhibitions; permitted awnings,

canopies or marquees; permitted freestanding #signs#; play equipment; exterior wall thickness added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents); permitted kiosks and open-air cafes; stages; subway station entrances, which may include escalators; and drinking fountains.

However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section. In addition, certain of the obstructions listed in this paragraph, (a), shall not be permitted within the sidewalk frontage of a #public plaza#, as described in Section 37-721 (Sidewalk frontage).

- (b) Permitted obstructions may occupy a maximum percentage of the area of a #public plaza#, as follows:

For #public plazas# less than 10,000 square feet in area: 40 percent

For #public plazas# less than 10,000 square feet in area with a permitted open air cafe: 50 percent

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

For #public plazas# 10,000 square feet or more in area with a permitted open air cafe: 60 percent.

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

Trees planted flush-to-grade in accordance with the provisions of Section 37-742 (Planting and trees) and tree canopies do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions, except that lawn, turf or grass areas intended for public access and seating shall not count as obstructions, provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than six inches. Exterior wall thickness added pursuant to Section 33-23 in any #publicly accessible open area# or #public plaza# built prior to April 30, 2012, shall not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.

(c) Canopies, awnings, marquees and sun control devices

- (1) Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee, provided that such canopy, awning or marquee:
 - (i) has a maximum area of 250 square feet;
 - (ii) does not project into the #public plaza# more than 15 feet when measured perpendicular to the #building# facade;
 - (iii) is located a minimum of 15 feet above the level of the #public plaza# adjacent to the #building# entrance; and
 - (iv) does not contain vertical supports.

Such canopies, awnings, and marquees shall be designed to provide maximum visibility into the #public plaza# from adjoining #streets# and the adjacent #building#. However, canopies, awnings and marquees associated with entrances to #buildings# containing #residences# located within a #public plaza# may project more than 15 feet into the #public plaza# and contain vertical supports if they are located entirely within 10 feet of the edge of the #public plaza#.

- (2) Sun control devices may be located within a #public plaza#, provided that all such devices:
 - (i) shall be located above the level of the first #story# ceiling;
 - (ii) shall be limited to a maximum projection of 2 feet, 6 inches;
 - (iii) shall have solid surfaces that, in aggregate, cover an area no more than 20 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (iv) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail, pursuant to Section 33-42 (Permitted Obstructions);

(d) Prohibition of garage entrances, driveways, parking spaces, loading berths, exhaust vents, mechanical equipment and #building# trash storage facilities

No garage entrances, driveways, parking spaces, passenger drop offs or loading berths shall be permitted within a #public plaza#. No #building# trash storage facilities are permitted within a #public plaza#, nor shall any #building# trash storage facility be accessed or serviced through the #public plaza#. If garage entrances, parking spaces, passenger drop offs, driveways, loading berths or #building# trash storage facilities are located near or adjoin a #public plaza#, they shall be separated from it by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #public plaza#.

No exhaust vents or mechanical equipment are permitted on any #public plaza# or on any #building# wall fronting upon the #public plaza#, unless such exhaust vents are more than 15 feet above the level of the adjacent #public plaza#. All exhaust vents and mechanical equipment located adjacent to a #public plaza# shall be separated from it by a barrier sufficient to substantially, visually and audibly, conceal their presence and operation. Air intake vents or shafts shall be permitted within a #public plaza#, provided that such vents are concealed from public view by planting or other design features and that such vents do not impair visibility within the #public plaza# area.

(10/17/07)

37-727

Hours of access

All #public plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing, pursuant to the provisions of this Section.

In all districts, the City Planning Commission may authorize the closing during certain nighttime hours of an existing or new #publicly accessible open area#, if the Commission finds that:

- (a) such existing #publicly accessible open area# has been open to the public a minimum of one year or there are significant operational or safety issues documented, or for new #public plazas# significant safety issues have been documented and provided as part of the application for authorization of nighttime closing;
- (b) such closing is necessary for public safety within the #publicly accessible open area# and maintenance of the public open areas

as documented by the applicant;

- (c) the layout and design of the #publicly accessible open area# will promote public use and free and easy pedestrian circulation throughout the space;
- (d) any approved design element that limits public access, as specified in paragraph (e) of this Section, shall not impede public circulation, visual or physical access within the #publicly accessible open area# or between the #publicly accessible open area# and other public areas during hours of public operation;
- (e) a design element that limits public access shall:
 - (1) be of a design that is integrated with the design of the #publicly accessible open area# in a manner that would promote the attractiveness of the space for public use and enjoyment;
 - (2) not exceed five feet in height;
 - (3) be fully removed from the #publicly accessible open area# during the hours of public access; however, barriers not to exceed 3 feet, 6 inches in height may have posts or supports that remain during the hours of public access provided that such posts or supports do not exceed six inches in width;
 - (4) not involve stanchions or cabinets for barrier storage located with the #publicly accessible open area#, except for stanchions or cabinets located at the edges of the #publicly accessible open area#;
 - (5) not inhibit or diminish access to the #publicly accessible open area# nor impede pedestrian circulation into, through, or along the frontage of the #publicly accessible open area#, and not obstruct access during the hours of public access; and
 - (6) be substantially transparent;
- (f) public access to the #publicly accessible open area# between the hours of 7:00 a.m. and 10:00 p.m. from April 15 to October 31 and from 7:00 a.m. to 8:00 p.m. from November 1 to April 14, or a schedule specified by the Commission, is assured by appropriate legal documents and that an hours of access plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the #publicly accessible open area#, as specified in Section 37-751, paragraph (c). However,

if an open air cafe or kiosk is located within the #publicly accessible open area#, such #publicly accessible open area# shall remain open to the public during the hours of operation of the open air cafe or kiosk;

- (g) plans have been submitted that demonstrate that, where appropriate, the #publicly accessible open area# will be improved, to the maximum extent feasible, in accordance with the standards set forth for #public plazas#;
- (h) a program for continuing maintenance of the #publicly accessible open area# has been established in accordance with Section 37-77.

In order to promote increased public use of the public open areas, the Commission may require, or the applicant may request, additional improvements to the existing #publicly accessible open area#, including, where appropriate, amenities such as kiosks or open air cafes as described in Section 37-73. In no event shall any #publicly accessible open area# be reduced in size.

All applications for nighttime closings of #publicly accessible open areas# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including but not limited to materials, dimensions, and configuration or any design element that limits public access, the storage location for the design element that limits public access during the hours of public operation of the #public plaza#, and the hours of the #publicly accessible open area's# accessibility to the public. All such 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 authorization pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Commission, and the filing and recording of such instrument shall be a precondition for the nighttime closing of any #publicly accessible open area#. 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 land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on such application, it must be done within 45 days of receipt of such application.

The Commission shall file any such authorization with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so

resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

(6/10/09)

37-728

Standards of accessibility for persons with disabilities

All #public plazas# shall conform with applicable laws pertaining to access for persons with disabilities regardless of whether the #building# associated with the #public plaza# is existing or new.

(6/21/16)

37-73

Kiosks and Open Air Cafes

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

(a) Kiosks

Where a kiosk is provided, it shall be a one-story temporary or permanent structure that is substantially open and transparent as approved by the Department of Buildings in conformance with the Building Code. Kiosks, including roofed areas, shall not occupy an area in excess of 100 square feet per kiosk. One kiosk is permitted for every 5,000 square feet of #publicly accessible open area#, exclusive of areas occupied by other approved kiosks or open air cafes. Kiosk placement shall not impede or be located within any pedestrian circulation path. Any area occupied by a kiosk shall be excluded from the calculation of #floor area#. Kiosks may be occupied only by #uses# permitted by the applicable district regulations such as news, book or magazine stands, food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the #publicly accessible open area#. Any kitchen equipment shall be stored entirely within the kiosk.

Kiosks must be in operation and provide service a minimum of 225 days per year. However, kiosks may operate for fewer days in accordance with conditions set forth in paragraph (c) of this Section.

Notwithstanding the provisions of Section 32-41 (Enclosure within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in a #publicly accessible open area# through open windows.

(b) Open air cafes

Where an open air cafe is provided, it shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have umbrellas, temporary fabric roofs with no vertical supports in conformance with the Building Code, and removable heating lamps. Open air cafes shall occupy an aggregate area not more than 20 percent of the total area of the #publicly accessible open area#. #Publicly accessible open areas# less than 10 feet in width that are located between separate sections of the same open air cafe or between sections of an open air cafe and a kiosk that provides service for such cafe must be included in the calculation of the maximum aggregate area of the open air cafe. Open air cafes shall be located along the edge of the #publicly accessible open area#, except for open air cafes located within #publicly accessible open areas# greater than 30,000 square feet in area. Open air cafes may not occupy more than one third of any #street# frontage of the #publicly accessible open area# and may not contain any required circulation paths. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the #publicly accessible open area#, except where there are planters or walls approved pursuant to a prior certification for an open air cafe. Subject to the foregoing exception, fences, planters, walls, fabric dividers or other barriers that separate open air cafe areas from the #publicly accessible open area# or sidewalk are prohibited. All furnishings of an open air cafe, including tables, chairs, bussing stations, and heating lamps, shall be completely removed from the #publicly accessible open area# when the open air cafe is not in active use, except that tables and chairs may remain in the #publicly accessible open area# if they are unsecured and may be used by the public without restriction. No kitchen equipment shall be installed within an open air cafe; kitchen equipment, however, may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

The exterior corners of the border of the space to be occupied by an open air cafe shall be marked on the ground by a line painted with white latex traffic or zone marking paint. The line shall be one inch wide and three inches in length on each side of the cafe border from the point where the borders intersect at an angled corner. In addition, a line one inch wide and three inches long shall be marked on the ground at intervals of no more than five feet starting from the end point of the line marking the cafe corners.

Open air cafes must be in operation and provide service a minimum of 225 days per year.

Open air cafes shall be located at the same elevation as an adjoining #public plaza# and sidewalk area, except for platforms that shall not exceed six inches in height.

(c) Certification

Kiosks and open air cafes may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

- (1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;
- (2) such #use# complements desirable #uses# in the surrounding area;
- (3) the owner of such #use# or the #building# owner shall be responsible for the maintenance of such kiosk or open air cafe, which shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted;
- (4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- (5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in this Section;
- (6) for kiosks and open air cafes located within an existing #publicly accessible open area#, such #use# is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much

landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;

- (7) a #sign# shall be provided in public view within the cafe area indicating the days and hours of operation of such cafe; and
- (8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

(d) Process

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

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

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including the layout and number of tables, chairs, restaurant equipment and heating lamps, as well as the storage location for periods when the kiosk or open air cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area#, each kiosk or open air cafe application must be accompanied by a compliance report in accordance with the requirements of Section 37-78, paragraph (c).

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air cafe, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section 37-625 (Design changes) shall be required, except that within the #Special Lower Manhattan District#, design changes to a #publicly accessible open area# pursuant to the provisions of Section 91-832 (Plaza improvements) as part of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades) or a certification pursuant to Section 91-837 (Subsequent design changes) may satisfy the requirements in paragraph (c)(6) of this Section.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air cafe, pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air cafe within the #publicly accessible open area#.

(10/17/07)

37-74
Amenities

All #public plazas# shall provide amenities, as listed in Sections 37-741 through 37-748, inclusive. All required amenities shall be considered permitted obstructions within the #public plaza#.

(6/10/09)

37-741
Seating

Standards for seating within #public plazas# are intended to facilitate the provision of abundant, comfortable and accessible seating throughout the #public plaza#, including, more specifically, as follows:

- (a) to provide a broad variety of seating types and configurations;

- (b) to accommodate individual users engaged in solitary activities as well as groups engaged in social activities;
- (c) to provide a comfortable and safe seating surface by providing smooth, even and level surfaces with rounded edges;
- (d) to incorporate, to the maximum extent possible, a combination of fixed benches, moveable chairs, seating with backs, seat walls and ledges, and seating steps;
- (e) to provide ample opportunity for social seating as a basic seating type that consists of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction.

There shall be a minimum of one linear foot of seating for each 30 square feet of #public plaza# area.

A minimum of one linear foot of the required seating for every two linear feet of #street# frontage must be located within 15 feet of the #street line#. At least 50 percent of this seating shall have backs and at least 50 percent of the seats with backs shall face the #street#.

Seating requirements may be satisfied by the following seating types: moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps. All #public plazas# shall provide at least two different types of seating. #Public plazas# greater than 5,000 square feet in area shall provide at least three different types of seating. #Public plazas# greater than 10,000 square feet in area must provide moveable seating as one of the required seating types.

Not more than 50 percent of the linear seating capacity may be in moveable seats that may be stored between the hours of sunset and sunrise, where the City Planning Commission has authorized a limitation on the hours of access pursuant to Section 37-727.

Devices or forms affixed or incorporated into planter ledges, steps, sills or other horizontal surfaces that would otherwise be suitable for seating that are intended to prevent or inhibit seating (such as spikes, metal bars, or pointed, excessively rough, or deliberately uncomfortable materials or forms) shall be prohibited.

Deterrents to skateboards, rollerblades and other wheeled devices are permitted on seating surfaces if they do not inhibit seating, maintain a minimum distance of five feet between deterrents, and are integrated into the seating surface at the time of manufacture or construction or should be constructed of materials that are

consistent with the materials and finish quality of the seating surface.

The following standards shall be met for all required seating:

- (1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.
- (2) Seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (5) of this Section, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.
- (3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.
- (4) Moveable seating or chairs, excluding seating for open air cafes, may be credited as 24 inches of linear seating per chair. Moveable seating provided as a required amenity shall be provided in the amount of one chair per 200 square feet of #public plaza# area. One table shall be provided for every four such moveable chairs.

All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed or otherwise secured while the #public plaza# is open to the public; moveable chairs, however, may be removed during the nighttime hours of 9:00 p.m. to 7:00 a.m.

- (5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of required seating in the #public plaza#. Seating steps shall not include any steps intended for circulation and must have a height not less than six inches nor greater than 30 inches and a depth not less than 18 inches. Seating walls shall have a height not greater than 18 inches; such seating walls, however, may have a height not to exceed 24 inches if they are located within 10 feet of an edge of the #public plaza#.
- (6) Seating in open air cafes shall not count towards meeting the seating requirement of this Section.

(7) Seats that face walls must be a minimum of six feet from such wall.

(6/10/09)

37-742

Planting and trees

The provisions of this Section are intended to facilitate a combination of landscaping elements in order to provide comfort, shade and textural variety.

At least 20 percent of the area of a #public plaza# shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls.

All #public plazas# shall provide a minimum of four trees. For a #public plaza# greater than 6,000 square feet in area, an additional four caliper inches in additional trees or multi-stemmed equivalents must be provided for each additional 1,000 square feet of #public plaza# area, rounded to the nearest 1,000 square feet.

For all #public plazas#, at least 50 percent of required trees shall be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings. Trees planted flush-to-grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for a minimum radius of 2 feet, 6 inches. Such porous surface shall be of sufficient strength and density to accommodate pedestrian circulation, including all requirements related to accessibility for the disabled, and shall be of a design that allows for tree growth. Installed fixtures such as lighting stanchions, electrical outlets or conduits shall not be located within the required porous area of any tree planted flush-to-grade.

Where trees are planted within a #public plaza#, they shall measure at least four inches in caliper at the time of planting, unless alternative, multi-stemmed equivalents are specified in the approved planting plans. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches.

Planting beds shall have a soil depth of at least 18 inches for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees. No planters or planting beds shall have bounding walls that exceed 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall adjoins two or more walking surfaces with different elevations. Any planting

bed containing required trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls. Furthermore, each tree located within a planting bed shall be surrounded by a continuous permeable surface measuring at least five feet square. Any lawns or turf grass planting beds shall not exceed six inches above any adjacent walking surfaces.

All planted areas shall either be automatically irrigated or shall consist of species that do not require regular watering.

All planted areas located above subsurface structures such as #cellars# or garages shall have drainage systems to prevent collection and pooling of water within planted areas.

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #public plazas# in accordance with Section 26-41 (Street Tree Planting). The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. If the Department of Parks and Recreation determines that the tree planting requirements of this paragraph are infeasible, the number of required #street# trees that cannot be planted shall be planted in accordance with the off-site tree provisions set forth in Section 26-41 or within the #public plaza#.

(2/2/11)

37-743

Lighting and electrical power

#Public plazas# shall be illuminated to provide for safe use and enjoyment of all areas of the #public plaza#. Special attention should be provided in lighting steps and other changes in elevation and areas under tree canopies and permitted canopies within the #public plaza#.

#Public plazas# shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas, including sidewalks directly adjacent to the #public plaza#, and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. All lighting sources used to satisfy this illumination requirement shall be located outdoors on the subject #zoning lot#. Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise, including #public plazas# that are authorized to close at night. A lighting schedule, including fixtures, wattage and their

locations and designs together with a diagram of light level distribution, with light levels indicated at intervals of no more than every 20 square feet, shall be part of the required detailed design plans. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of a #public plaza#.

All lighting sources that illuminate the #public plaza# and are mounted on or located within #buildings# adjacent to the #public plaza# shall be shielded from direct view. In addition, all lighting within the #public plaza# area shall be shielded to minimize any adverse effect on surrounding #residences#.

(10/17/07)

37-744

Litter receptacles

One litter receptacle shall be provided for every 1,500 square feet of #public plaza# area, up to a maximum of 6,000 square feet. Plazas greater than 6,000 square feet in area must provide an additional litter receptacle for every additional 2,000 square feet of #public plaza# area. #Public plazas# that contain open air cafes or kiosks providing food service shall provide one additional litter receptacle for each 1,500 square feet of #public plaza# area occupied by such outdoor eating area. All litter receptacles must have a volume capacity of at least 25 gallons and shall be located in visible and convenient locations. All top or side openings must have a minimum dimension of 12 inches. Litter receptacles shall be provided within 50 feet of required seating areas in the #public plaza#.

(10/17/07)

37-745

Bicycle parking

All #public plazas# shall provide parking for at least two bicycles. #Public plazas# greater than 10,000 square feet in size must provide parking for at least four bicycles. Bike racks must be provided on the sidewalk directly adjacent to the #public plaza# in accordance with Department of Transportation standards, unless the Department of Transportation has determined that the sidewalk area adjacent to the #public plaza# cannot accommodate the required bicycle parking.

(10/17/07)

37-746

Drinking fountains

A minimum of one drinking fountain shall be provided in all #public plazas#.

(10/17/07)

37-747

Public space signage

Entry and information plaques shall be provided, as described in Section 37-751 (Public space signage systems).

(10/17/07)

37-748

Additional amenities

#Public plazas# between 5,000 and 10,000 square feet in area must provide one of the following additional amenities and #public plazas# greater than 10,000 square feet in area must provide at least three of the following additional amenities. All additional amenities shall be considered permitted obstructions within the #public plaza#.

(a) Artwork

Artwork that is provided as an additional amenity must integrate with the design of the #public plaza#. Artwork shall not interfere with public access, circulation or visual openness within the #public plaza# or between the #public plaza# and adjoining public areas. Artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#;

(b) Moveable tables and chairs, as described in paragraph (4) of Section 37-741;

(c) Water features (such as fountains, reflecting pools, waterfalls);

(d) Children's play area;

- (e) Equipment provided as part of children's play areas must be designed and constructed in accordance with applicable United States Consumer Products Safety Commission standards and best practices, including installation of protective surfaces and barriers. All barriers surrounding play areas shall be designed to allow for the adequate supervision of children at play and shall in all cases be substantially transparent and no more than 3 feet, 6 inches in height;
- (f) Game tables and associated seating; or
- (g) Food service, including:
 - (1) food service in a retail space directly accessible from the major portion of the #public plaza#; or
 - (2) an open air cafe or kiosk, as described in Section 37-73.

#Public plazas# greater than 10,000 square feet in area and associated with a #commercial building# must include a food service as one of the three additional required amenities.

(10/17/07)

37-75 Signs

(6/10/09)

37-751 Public space signage systems

The following public space signage systems shall be required for all #public plazas#:

- (a) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #public plaza#. On each #street# frontage occupied by the #public plaza#, a minimum of one entry plaque shall be provided for every 40 feet of linear #street# frontage occupied by the #public plaza#. The entry plaque shall contain:

- (1) a public space symbol which is 12 inches square in dimension

and dark green or black in color with a highly contrasting background, a grid and tree-shaped symbol, as shown in this paragraph, (a)(1). The symbol shall match exactly the symbol provided in the [Required Signage Symbols](#) file at the Department of City Planning website;



(37-53h2.8a1, 37-751a1)

- (2) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located immediately adjacent to the public space symbol;
- (3) lettering at least one inch in height stating the words "Open 24 hours" or, if a nighttime closing has been authorized, pursuant to Section 37-727, shall contain the words "Open to the public:" followed by the approved hours of operation; and
- (4) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. It shall be in a position that clearly identifies the entry into the #public plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #public plaza#.

(b) Information plaque

An information plaque constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided. Information plaques shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk and shall have all required lettering located three feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. The information plaque shall consist of:

- (1) if provided on a separate plaque from a required entry plaque, a public space symbol which is at least six inches square in dimension and dark green or black in color with a highly contrasting background, a grid and tree-shaped symbol, as shown in paragraph (a)(1) of this Section. The symbol shall match exactly the symbol provided in the [Required Signage Symbols](#) file at the Department of City Planning website.
- (2) if provided on a separate plaque from a required entry plaque, the words, in lettering one-half inch in height, "Open 24 hours" or, if a nighttime closing has been authorized pursuant to Section 37-727, the words, in lettering one-half inch in height, "Open to the public:" followed by the approved hours of operation;
- (3) in lettering three-eighths of an inch in height, the words "This public plaza contains:" followed by the total linear feet of seating, the type and quantity of trees, the number of bike racks, the number of drinking fountains and the number of any additional required amenities, such as moveable seating;
- (4) in lettering three-eighths of an inch in height, the name of the current owner of the #building# and the name, address, phone number and email address of the person designated to maintain the #public plaza#;
- (5) in lettering three-eighths of an inch in height, the statement, "Complaints or Questions: Call 311 and reference the #public plaza# at [insert building address]"; and
- (6) the statement, "This public plaza is accessible to persons with disabilities."

(c) Hours of access plaque

On each #street# frontage occupied by the #public plaza# and where the City Planning Commission has authorized a limitation on the hours of access for a #public plaza#, pursuant to the provisions of Section 37-727, a minimum of one hours of access plaque shall be provided for every 40 linear feet of approved barrier that limits public access. The hours of access plaque shall be located on the barrier that limits public access to the #public plaza# and shall consist of:

- (1) a public space symbol which is two inches square in dimension and dark green or black in color with a highly

contrasting background, a grid and tree-shaped symbol, as shown in paragraph (a)(1) of this Section. The symbol shall match exactly the symbol provided in the [Required Signage Symbols](#) file at the Department of City Planning website.

- (2) the statement: "Open to the Public:" followed by the approved hours of operation.

All required public space signage shall be fully opaque, non-reflective and constructed of permanent, highly durable materials such as steel or stone.

All lettering provided on required public space signage shall be in a clear, bold, sans-serif, non-narrow font such as Arial, Helvetica or Verdana, solid in color with a minimum height of three-quarters of an inch, unless otherwise specified above, and shall highly contrast with the background color of the #sign#.

(10/17/07)

37-752

Prohibition signs

To ensure a safe and comfortable environment for all #public plaza# users, a maximum of one prohibition or "Rule of Conduct" #sign# may be located within the #public plaza#. Such #sign# shall not exceed one foot square in dimension, may not be freestanding, and shall contain no lettering greater than three-quarters of an inch in height.

Such #sign# shall not prohibit behaviors that are consistent with the normal public use of the #public plaza# such as lingering, eating, drinking of non-alcoholic beverages or gathering in small groups. No behaviors, actions, or items may be listed on such #sign# that are otherwise illegal or prohibited by municipal, State or Federal laws.

(6/10/09)

37-753

Accessory signs

A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section 37-751, are permitted only as #accessory# to

#uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS), except as provided below:

- (a) each establishment fronting on the #public plaza# shall be permitted to have not more than one #sign# affixed to the #building# wall fronting on the #public plaza#.
- (b) all #signs# shall be non-#illuminated#;
- (c) all #signs# shall contain only the #building# or establishment name and address;
- (d) all #signs accessory# to retail #uses# affixed to #building# walls may not exceed four square feet in size;
- (e) not more than three #accessory signs# may be located within the #public plaza#, of which one may be freestanding. All such #signs#, including structures to which they are affixed, shall not be higher than three feet above the level of the adjoining public access area. Such #signs# shall not exceed an area of two square feet. In addition, no portion of such #sign#, including structures to which they are affixed, shall exceed a width of 16 inches facing a #street#, and 24 inches when not facing a #street#. For #corner public plazas#, such limitations shall apply to only one #street# frontage. If such #sign# is associated with a #building# used for office #use#, such #sign# shall contain only the names of principal building tenants and shall also contain the public space symbol as described in Section 37-751 and the words "Open to Public" in lettering at least two inches in height; and
- (f) all #signs# located on permitted canopies or awnings within the #public plaza# shall contain only the #building# or establishment name and shall not exceed a height of one foot.

(6/10/09)

37-76

Mandatory Allocation of Frontages for Permitted Uses

- (a) Ground floor level uses

At least 50 percent of the total frontage of all new #building# walls fronting on a #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall

be allocated for occupancy at the ground floor level by retail or service establishments permitted by the applicable district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11 and 12D, or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall:

- (1) be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the establishment and the #public plaza#;
- (2) have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#; and
- (3) occupy such frontage for the life of the increased #floor area# of the bonused #development#.

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

As an alternative, where retail or service establishments located in an existing #building# front upon a #public plaza# or an #arcade# adjoining a #public plaza#, at least 50 percent of the total frontage of all #building# walls fronting on the #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall be allocated for occupancy at the ground floor level by retail or service establishments permitted by the applicable district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11 and 12D, or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall comply with the provisions of paragraphs (a)(1), (a)(2) and (a)(3) of this Section.

(b) Public entrances

A public entrance to the principal use of the #building# associated with the #public plaza# shall be located within 10 feet of the major portion of the #public plaza#. Frontage on the #public plaza# that is occupied by a #building# entrance or lobby shall not exceed 60 feet or 40 percent of the total aggregate frontage of the new #building# walls on the major and minor portions of the #public plaza#, whichever is less, but in no case shall #building# entrances or lobbies occupy less than 20 feet of frontage on the #public plaza#.

(c) Transparency

All new #building# walls fronting on the major and minor portions of the #public plaza# shall be treated with clear, untinted transparent material for 50 percent of the surface area below 14 feet above the #public plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower. Any non-transparent area of a new or existing #building# wall fronting on the major or minor portion of a #public plaza# shall be treated with a decorative element or material or shall be screened with planting to a minimum height of 15 feet above the #public plaza#.

(6/10/09)

37-77

Maintenance

The #building# owner shall be responsible for the maintenance of the #public plaza# including, but not limited to, the location of permitted obstructions pursuant to Section 37-726, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot#.

(2/2/11)

37-78

Compliance

(a) Building permits

No foundation permit shall be issued by the Department of Buildings for any #development# or #enlargement# that includes a #public plaza#, nor shall any permit be issued by the Department of Buildings for any change to a #plaza#, #residential plaza# or #urban plaza# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of Sections 37-625 or 37-70, as applicable.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #public plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or

permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan and sections and elevations, as necessary to demonstrate compliance with the provisions of Sections 37-625 or 37-70, as applicable.

All plans for #public plazas# or other #publicly accessible open areas# that are the subject of a certification pursuant to Section 37-625 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, in a form satisfactory to the Chairperson, providing notice of the certification of the #public plaza#, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. 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 or final certificate of occupancy shall be issued for any bonus #floor area# generated by a #public plaza# unless and until the #public plaza# has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning and certified to the Department of Buildings.

Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), any #residential plaza# or #urban plaza# for which a certification was granted pursuant to Article II, Chapter 3, or Article III, Chapter 7, between June 4, 2005 and June 4, 2007, and any #public plaza# for which a certification was granted prior to June 10, 2009, may be provided in accordance with the regulations in effect on the date of such certification.

(b) Periodic compliance reporting

No later than June 30 of the year, beginning in the third calendar year following the calendar year in which certification was made and at three-year intervals thereafter, the Director of the Department of City Planning and the affected Community Board shall be provided with a report regarding compliance of the #publicly accessible open area# with the regulations of Sections 37-625 or 37-70, as applicable, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed. Such report shall be provided by a registered architect, landscape architect or professional engineer, in a format acceptable to the Director and shall include, without limitation:

- (1) a copy of the original #public plaza# or design change certification letter and, if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;
- (2) a statement that the #publicly accessible open area# has been inspected by such registered architect, landscape architect or professional engineer and that such open area is in full compliance with the regulations under which it was approved as well as the approved plans pertaining to such open area and, if applicable, the requirements of any other authorization or certification pursuant to this Chapter, or non-compliance with such regulations and plans;
- (3) an inventory list of amenities required under the regulations under which the #publicly accessible open area# was approved and the approved plans pertaining to such open area and, if applicable, the requirements of any other authorization or certification pursuant to Section 37-70, together with an identification of any amenity on such inventory list for which inspection did not show compliance, including whether such amenities are in working order, and a description of the non-compliance;
- (4) photographs documenting the condition of the #publicly accessible open area# at the time of inspection, sufficient to indicate the presence or absence, either full or partial, of the amenities on the inventory list of amenities.

The report submitted to the Director of the Department of City Planning shall be accompanied by documentation demonstrating that such report has also been provided to the affected Community Board.

Compliance reporting pursuant to this paragraph, (b), shall be a condition of all certifications granted pursuant to Section 37-70.

(c) Compliance reports at time of application

Any application for a certification or authorization involving an existing #publicly accessible open area# shall include a compliance report in the format required under paragraph (b) of this Section, based upon an inspection of the #publicly accessible open area# by a registered architect, landscape architect or professional engineer conducted no more than 45 days prior to the filing of such application.

The following conditions may constitute grounds to disapprove the application for certification or authorization:

- (1) such report shows non-compliance with the regulations under which the #publicly accessible open area# was approved, conditions or restrictions of a previously granted certification or authorization, or with the approved plans pertaining to such #publicly accessible open area#; or
- (2) the #publicly accessible open area# has been the subject of one or more enforcement proceedings for which there have been final adjudications of a violation with respect to any of the foregoing.

In the case of a certification, the Chairperson, or in the case of an authorization, the Commission, may, in lieu of disapproval, accept a compliance plan for the #publicly accessible open area#, which plan shall set forth the means by which future compliance will be ensured.

(d) Failure to comply

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to Section 37-70 or with approved plans related thereto, or failure to submit a required compliance report, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

(e) Special regulations for an #urban plaza# in the #Special Lower Manhattan District#

In addition, the Chairperson of the City Planning Commission may certify any #urban plaza# that is the subject of application N070416ZCM, filed in conjunction with application C070415ZSM, and such #urban plaza# may be provided in accordance with the regulations of Section 37-04, inclusive, in effect on April 23, 2007, as modified by the special regulations for such #urban plaza# as set forth in Article IX, Chapter 1 (Special Lower Manhattan District) and in the following provisions:

- (1) #Floor area# bonus for an #urban plaza# in the #Special Lower Manhattan District#

A #floor area# bonus for such #urban plaza#, pursuant to Section 91-22, may be permitted for a #development# or

#enlargement# located within 50 feet of the #street line# of a #street# subject to the regulations for #street wall# continuity Type 2B.

- (2) #Street wall# regulations for an #urban plaza# in the #Special Lower Manhattan District#

The #street wall# regulations for #street wall# continuity "Type 2" in the #Special Lower Manhattan District# shall be superseded by #street wall# continuity Types 2A and 2B as indicated on Map 2 in Appendix A of Article IX, Chapter 1.

(2/2/11)

37-80

ARCADES

The provisions of this Section shall apply to all #developments# an #enlargements# containing an #arcade# that qualifies for a #floor area# bonus pursuant to Sections 24-15, 33-14 or 43-14.

An #arcade# shall be #developed# as a continuous covered space extending along a #street line#, or #publicly accessible open area#. An #arcade# shall be open for its entire length to the #street line# or #publicly accessible open area#, except for #building# columns, and unobstructed to a height of not less than 12 feet, and either:

- (a) have a depth not less than 10 feet nor more than 30 feet measured perpendicular to the #street line# or boundary of the #publicly accessible open area# on which it fronts, and extend for at least 50 feet, or the full length of the #street line# or boundary of the #publicly accessible open area# on which it fronts, whichever is the lesser distance; or
- (b) on a #corner lot#, is bounded on two sides by the two intersecting #street lines#, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

Such an #arcade# shall not at any point be above the level of the #street#, or #publicly accessible open area# that it adjoins, whichever is higher. Any portion of an #arcade# occupied by #building# columns shall be considered to be part of the area of the #arcade# for the purposes of computing a #floor area# bonus.

No off-street parking spaces, passenger drop offs, driveways or off-street loading berths are permitted anywhere within an #arcade# or within 10 feet of any bonusable portion thereof. By certification,

the Commission may permit such activity in the immediate vicinity of an #arcade# provided such activity will not adversely affect the functioning of the #arcade#. In no event shall such vehicular areas be eligible for an #arcade# bonus.

#Arcades# shall be accessible to the public at all times.

(11/28/07)

**37-90
PARKING LOTS**

(2/2/11)

**37-91
Applicability**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that contain 18 or more spaces or are greater than 6,000 square feet in area, as follows:

- (a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#;
- (b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in an increase in:
 - (1) a total number of parking spaces #accessory# to #commercial# or #community facility uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or
 - (2) a total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility uses#; and
- (c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning

lot# is occupied by a #commercial# or #community facility use#.

All #public parking lots# shall comply with the provisions of Section 37-921 (Perimeter landscaping).

The provisions of Section 37-90, inclusive, shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of Section 37-90, inclusive, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all landscaped areas required pursuant to this Section within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived pursuant to Sections 25-33, 36-23 or 44-23, as applicable, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #commercial# or #community facility uses# or curb cuts accessing #commercial# or #community facility uses# are shown on the site plan required pursuant to Section 36-58, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

A detailed plan or plans prepared by a registered landscape architect demonstrating compliance with the provisions of Section 37-90, inclusive, shall be submitted to the Department of Buildings. Such plans shall include grading plans, drainage plans and planting plans, and sections and elevations as necessary to demonstrate compliance with the provisions of this Section.

Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to November 28, 2007, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

(11/28/07)

37-92

Landscaping

(2/2/11)

37-921

Perimeter landscaping

All open parking areas with 18 spaces or more or 6,000 square feet or more in area that front upon a #street# shall be screened at the #street line# by a perimeter landscaped area at least seven feet in width measured perpendicular to the #street line#. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Walkways may also traverse the perimeter landscaped area in order to provide a direct connection between the public sidewalk and a walkway within or adjacent to the open parking area. In the event a perimeter landscaped area is greater than seven feet in width, the first seven feet adjacent to the open parking area must comply with paragraphs (a) and (b) of this Section. The remainder of the landscaped perimeter area may comply with paragraphs (a) and (b) or be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material.

The perimeter landscaped area shall comply with the following requirements:

(a) Grading, drainage and soil

The open parking area shall be graded to allow stormwater runoff to drain into all required perimeter landscaped areas and planting islands required pursuant to Section 37-922 (Interior landscaping). The perimeter landscaped area shall be comprised of soil with a depth of at least two feet, six inches, measured from the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. The perimeter landscaped area shall have an inverted slope to allow a minimum of six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. A raised curb shall edge the perimeter landscaped area, shall be at least six inches

in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (a), would be infeasible for a perimeter landscaped area, such drainage provisions may be waived. In lieu thereof, such perimeter landscaped area shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (b) of this Section shall apply to such perimeter landscaped areas, except that plantings need not be selected from the lists in Section 37-963.

(b) Plantings

(1) Parking lot frontage

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an #abutting# parking space. All required groundcover shall be selected from the list in Section 37-963.

(2) Sidewalk frontage

The remainder of the perimeter landscaped area shall be densely planted with shrubs at a distance of 24 inches on center and maintained at a maximum height of three feet above the surface of the adjoining public sidewalk. All required shrubs shall be selected from the list in Section 37-963.

(3) Trees

One two-inch caliper tree shall be provided for every 25 feet of open parking area #street# frontage. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such perimeter trees shall be staggered wherever possible with #street# trees, but in no event shall perimeter trees be planted closer than 15 feet on center or within three feet to a perimeter screening area curb. Furthermore, a radius distance of at least 20 feet shall be maintained between trunks of perimeter trees and #street# trees. If such

distances cannot be maintained, the perimeter tree shall be waived in that location. However, if a #street# tree cannot be planted in the public sidewalk adjacent to the perimeter screening area because the Department of Parks and Recreation has determined that it is infeasible to plant a tree in such location, such tree shall be planted instead within the perimeter screening area adjacent to such portion of the public sidewalk and credited towards the amount of perimeter trees required pursuant to this paragraph. However, any perimeter tree within 15 feet of an elevated rail line or elevated highway shall be waived. All required perimeter trees shall be selected from the list in Section 37-961.

(c) Obstructions

Utilities and #signs# permitted in Sections 32-62, 32-63 or 42-52 may be located in the perimeter screening area. Ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open is permitted in the perimeter screening area, provided such fencing does not exceed four feet in height and is located at least five feet from the #street line#.

(2/2/11)

37-922

Interior landscaping

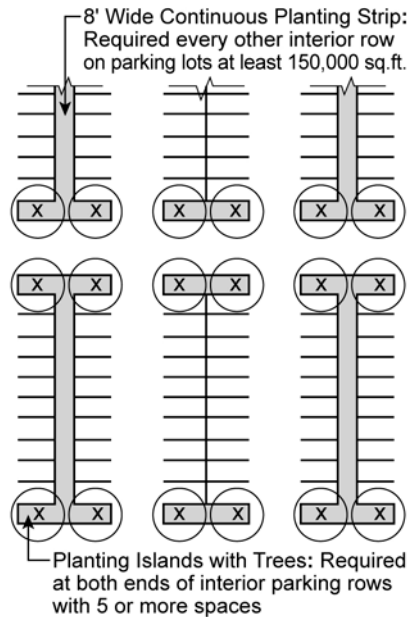
All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one tree for every eight parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be in addition to the trees required in the perimeter screening area. Each such tree shall have a minimum caliper of three inches and be located in a planting island with a minimum area of 150 square feet of pervious surface.

(a) Distribution

The following distribution rules shall apply:

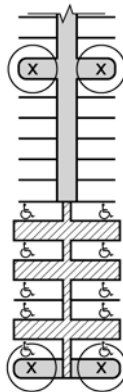
- (1) Each end space in a row of five or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of such end space;
- (2) No more than 15 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area; and

- (3) For open parking areas at least 150,000 square feet in area, in addition to the requirements set forth in paragraphs (a)(1) and (a)(2) of this Section, every other row of parking spaces in which each space does not fully abut a perimeter landscaped area shall abut a planting island. Such planting island shall have a minimum width of eight feet and extend along the entire length of such row of parking spaces. Such planting islands may be traversed by walkways no more than three feet wide and spaced at least 50 feet apart.



(37-922a3)

- (4) Planting islands required pursuant to paragraphs (a)(1) and (a)(3) may be discontinued where a pedestrian access lane is provided that serves no more than five parking spaces required by the Americans with Disabilities Act.



(37-922a4)

(5) Compliance with paragraphs (a)(1) and (a)(2) may be waived where the Commissioner of Buildings determines that tree planting in such locations would conflict with loading operations. Such trees shall be planted elsewhere in the open parking area.

(b) Grading, drainage and soil

The open parking area shall be graded to allow stormwater runoff to drain into all planting islands required pursuant to this Section and perimeter landscaped areas required pursuant to Section 37-921. Planting islands shall have an inverted slope to allow a minimum six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. Planting islands shall be comprised of soil with a depth of at least two feet, six inches, measured from the surface of the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. A raised curb shall edge the planting island, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (b), would be infeasible for an interior planting island, such drainage provisions may be waived. In lieu thereof, such planting island shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (c) of this Section shall apply to such planting islands, except that plantings need not be selected from the lists in Section 37-963.

(c) Plantings

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted

slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an #abutting# parking space. The remaining area of the planting island shall be densely planted with shrubs, maintained at a maximum height of three feet, at a distance of 24 inches on center. Planting islands which are bisected by pedestrian access lanes serving Americans with Disabilities Act parking spaces (as shown in paragraph (a)(4) of this Section) shall provide groundcover in lieu of shrubs. Each required tree shall be centered in a planted area measuring at least eight feet by eight feet. Multiple trees are allowed in a single planting island provided they are spaced no closer than 25 feet on center and there is at least 150 square feet of pervious area for each tree. Any area with a dimension of less than two feet shall not contribute to such 150 square foot minimum area. Required trees shall be located first in planting islands at the ends of parking rows required pursuant to paragraph (a)(1) of this Section, and then in planting islands that break up parking rows with more than 15 spaces required pursuant to paragraph (a)(2) of this Section. Any remaining required trees may be located in the continuous planting island required pursuant to paragraph (a)(3) of this Section or located in other planting islands within the open parking area. All required trees, shrubs and groundcovers shall be selected from the lists in Sections 37-962 and 37-963.

(11/28/07)

37-93

Maintenance

All on-site landscaping shall be maintained in good conditions at all times. Landscaped areas must be kept free of litter, and drainage components maintained in working order. In the event of the loss of any on-site landscaping, the owner of the #zoning lot# shall replace such landscaping by the next appropriate planting season. All landscaped areas must contain a built-in irrigation system or supply hose bibs within 100 feet of all planting islands.

(11/28/07)

37-94

Refuse Storage

All site plans must show an area designated for refuse storage. Any container used for refuse storage must be enclosed and screened either

within a #building# or an #accessory structure#. If refuse storage is located in a container or #accessory structure#, it must be located at least 50 feet from any #street line# and screened on all sides by a six foot high masonry wall, with one side consisting of an opaque, lockable gate.

(4/22/09)

37-95
Modifications of Design Standards

(4/22/09)

37-951
Modification of landscaping requirements

The requirements of Section 37-90 (PARKING LOTS), inclusive, may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, a high water table, or a City, State or Federal mandated brownfield remediation that requires the site to be capped. Where a high water table exists, the planting requirements of Section 37-90, inclusive, shall be complied with, except such planted areas need not be designed to absorb storm water runoff.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

(4/22/09)

37-952
Modification of design requirements by authorization

For #enlargements#, the City Planning Commission may authorize modifications or waivers of the maneuverability and curb cut standards of Section 36-58, and the landscaping requirements of Section 37-90 (PARKING LOTS), inclusive, for portions of the #zoning lot# occupied by existing open parking areas, provided the Commission finds that:

- (a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;

- (b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;
- (c) the amount of interior planting islands and their distribution throughout the existing open parking area have been provided to the maximum extent practicable; and
- (d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscaped architects in considering such modifications.

(4/22/09)

37-96

Landscaping Selection Lists

(4/22/09)

37-961

Selection list for perimeter trees

BOTANICAL NAME	COMMON NAME
Acer campestre	Hedge Maple*
Acer ginnala	Amur Maple*
Acer negundo	Boxelder*
Acer truncatum	Shantung Maple*
Amelanchier arborea	Downy Serviceberry
Amelanchier canadensis	Shadblow Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Betula lenta	Sweet Birch*
Betula nigra "Heritage"	Heritage River Birch*
Carpinus caroliniana	American Hornbeam
Cedrus atlantica	Atlas Cedar
Cedrus deodara	Deodar Cedar
Crataegus laevigata	English Hawthorn
Crataegus viridis	Green Hawthorn
Cornus mas	Cornelian Cherry*
Cornus racemosa	Gray Dogwood*
Cercis canadensis	Redbud
Hamamelis vernalis	Vernal Witchhazel
Hamamelis virginiana	American Witchhazel

Koelreuteria paniculata	Goldenraintree
Larix laricina	Tamarack
Magnolia stella	Star Magnolia
Magnolia virginiana	Sweetbay Magnolia
Maackia amurensis	Amur Maackia
Pinus virginiana	Virginia Pine
Prunus cerasifera	Purpleleaf Plum
Prunus 'Okame'	Okame Cherry
Prunus padus	European Birdcherry
Prunus sargentii	Sargent Cherry
Prunus serrulata "Kwanzan"	Japanese Flowering Cherry
Prunus virginiana "Schubert"	Schubert Cherry
Prunus x yedoensis	Yoshino Cherry
Rhus copallina	Shinning Sumac
Salix discolor	True Pussy Willow
Sambucus nigra	Black Elderberry
Syringa reticulata	Japanese Tree Lilac

* Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

(4/22/09)

37-962

Selection list for interior trees

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red Maple ¹
Acer saccharinum	Silver Maple ¹
Acer x freemanii	Freeman Maple ¹
Catalpa speciosa	Northern Catalpa
Celtis occidentalis	Hackberry
Celtis laevigata	Sugar Hackberry
Eucommia ulmoides	Hardy Rubber Tree
Fraxinus americana	American Ash ¹
Fraxinus excelsior	European Ash ¹
Fraxinus pennsylvanica	Green Ash ¹
Gleditsia triacanthos inermis	Honeylocust
Ginkgo biloba	Ginkgo
Gymnocladus dioicus	Kentucky Coffeetree
Juglans nigra	Black Walnut
Larix decidua	European Larch
Larix laricina	American Larch
Liquidambar styraciflua	Sweetgum

<i>Liriodendron tulipifera</i>	Tulip Tree
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nyssa sylvatica</i>	Tupelo
<i>Platanus occidentalis</i>	American Sycamore
<i>Platanus x acerifolia</i>	London Planetree
<i>Pyrus calleryana</i>	Callery Pear ³
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Taxodium distichum</i>	Baldcypress
<i>Ulmus americana</i>	American Elm ^{1,2}
<i>Ulmus carpinifolia</i>	Smooth-leaf Elm ^{1,2}
<i>Ulmus parvifolia</i>	Lace Bark Elm ^{1,2}
<i>Styphnolobium japonicum</i>	Scholar Tree
<i>Tilia americana</i>	Basswood/American Linden
<i>Zelkova serrata</i>	Japanese Zelkova

- ¹ Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island
- ² Only cultivars of elms that have been bred for resistance to Dutch Elm Disease
- ³ Excluding "Bradford" cultivar

(4/22/09)

37-963

Selection list for ground covers and shrubs

GROUND COVERS	
BOTANICAL NAME	COMMON NAME
<i>Asclepias tuberosum</i>	Butterfly Weed
<i>Calamagrostis stricta</i>	Slimstem Reedgrass
<i>Comptonia peregrina</i>	Sweetfern
<i>Cortaderia selloana</i> "Pumilla"	Dwarf Pampas Grass
<i>Euonymus coloratus</i>	Euonymus
<i>Festuca glauca</i>	Blue Fescue Grass
<i>Juniperus horizontalis</i>	Creeping Juniper
<i>Hibiscus moscheutos</i>	Swamp Rose Mallow*
<i>Iris pallida</i>	Sweet Iris
<i>Iris sibirica</i>	Siberian Iris

Iris versicolor	Blue Flag Iris
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SHRUBS	
BOTANICAL NAME	COMMON NAME
Abelia grandiflora	Glossy Abelia
Aesculus parviflora	Bottlebrush Buckeye
Andromeda polifolia	Bog-rosemary
Aronia arbutifolia	Red Chokeberry
Aronia melanocarpa	Black Chokeberry
Baccharis halimifolia	Eastern Baccharis
Betula nana	Dwarf Birch
Betula pumila	Bog Birch
Calluna vulgaris	Scotch Heather
Castanea pumila	Chinkapin
Cephalanthus occidentalis	Buttonbush
Chamaecyparis spp.	Chamaecyparis
Clethra alnifolia	Summersweet
Cornus sericea	Redtwig Dogwood
Cornus sericea "Flaviramea"	Yellowtwig Dogwood
Cotoneaster dammeri	Bearberry Cotoneaster
Daphne cneorum	Rose Daphne
Daphne caucasica	Caucasian Daphne
Ericacarneae	Spring Heath
Euonymus fortunei	Wintercreeper Euonymus
Eubotrys racemosa	Swamp Doghobble
Gaylussaciabrachycera	Box Huckleberry
Hydrangea quercifolia	Oakleaf Hydrangea
Ilex crenata	Japanese Holly
Ilex glabra	Inkberry
Ilex verticillata	Winterberry
Itea virginica "Henry's Garnet"	Virginia Sweetspire
Juniperus procumbens	Japgarden Juniper
Juniperus sabina	Savin Juniper
Juniperus squamata	Singleseed Juniper
Kalmia angustifolia	Sheep Laurel
Ledum groenlandicum	Labrador Tea
Leiophyllum buxifolium	Box Sandmyrtle
Leucothoe racemosa	Sweetbells Leucothoe
Microbiota decussata	Russian Arborvitae
Myrica gale	Sweetgale
Paxistima canbyi	Canby Paxistima
Pieris floribunda	Mountain Pieris
Rhododendron canadense	Rhodora
Rhododendron viscosum	Swamp Azalea
Rhododendron atlanticum	Coast Azalea
Rhus aromatica "Gro-Lo"	Gro-Lo Sumac
Rosa Palustris	Swamp Rose

Spirea x bumaldi "Anthony Waterer"	Goldflame Spirea
Vaccinium macrocarpon	American Cranberry
Zenobia pulverenta	Dusty Zenobia

* Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island