



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Article IX - Special Purpose Districts

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Chapter 1 - Special Lower Manhattan District (LM)

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Chapter 1 - Special Lower Manhattan District (LM)

91-00 - GENERAL PURPOSES

LAST AMENDED

6/21/2016

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

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

91-01 - General Provisions

LAST AMENDED

10/7/2021

Except as modified by the express provisions of the #Special Lower Manhattan District#, the regulations of the underlying zoning districts shall remain in effect.

Requirements that apply generally throughout the District are set forth in the provisions for this Chapter. The provisions of Section [91-40](#) (MANDATORY DISTRICT PLAN ELEMENTS) specify planning and urban design features that are primarily oriented toward the accommodation and well-being of pedestrians.

For requirements that are not generally applicable but are tied to specific locations within the Special District, the locations where these requirements apply are shown on District Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3), Map 3 (Street Wall Continuity Types 4 & 5), Map 4 (Designated Retail Streets) and Map 5 (Curb Cut Prohibitions) in Appendix A. Certain #sign# regulations that apply to landmark #buildings# with #street walls# fronting Broadway are set forth in Section 91-134.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to all areas of the #waterfront

area# within the #Special Lower Manhattan District#, except as otherwise provided in Section [91-60](#) (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

An existing public amenity, open or enclosed, that was a mandatory requirement or received a #floor area# bonus pursuant to the provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, shall not be removed, reduced in size or in any way altered, other than pursuant to the provisions of Section [91-71](#) (Authorization for the Modification of Required Public Amenities).

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

Section [91-72](#) (Special Permit for Development Over or Adjacent to the Approaches to the Brooklyn Battery Tunnel)

Section [91-73](#) (Special Provisions for Battery Park Underpass/South Street).

91-02 - Definitions

LAST AMENDED
2/2/2011

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

91-03 - District Maps

LAST AMENDED
6/21/2016

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

- Map 1 Special Lower Manhattan District
- Map 2 Street Wall Continuity Types 1, 2A, 2B & 3
- Map 3 Street Wall Continuity Types 4 & 5
- Map 4 Designated Retail Streets
- Map 5 Curb Cut Prohibitions
- Map 6 South Street Seaport Subdistrict (Section [91-63](#))
- Map 7 Subway Station Improvement Areas
- Map 8 Water Street Subdistrict

91-04 - Subdistricts and Core Area

LAST AMENDED

2/2/2011

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

(a) South Street Seaport Subdistrict

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

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

(b) The Historic and Commercial Core

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

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

(c) Water Street Subdistrict

The Water Street Subdistrict has been established to improve the urban design relationship between existing #buildings# and open areas by promoting retail activities and the enhancement of existing public spaces with new amenities in this area.

The Subdistrict is shown on Map 8 (Water Street Subdistrict) and Map 9 (Water Street Subdistrict Arcades) in Appendix A of this Chapter.

91-05 - Applicability of the Quality Housing Program

LAST AMENDED

2/2/2011

Within the #Special Lower Manhattan District#, #buildings# containing #residences# may be #developed# or #enlarged# in accordance with the provisions of Article II, Chapter 8 (The Quality Housing Program), except that the #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and modified by Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall be superseded by the

#bulk# regulations of this Chapter. Recreation space required pursuant to Section [28-20](#) (RECREATION SPACE AND PLANTING AREAS) shall be in addition to any recreation space required pursuant to this Chapter.

91-06 - Applicability of Article VII Provisions

LAST AMENDED

8/27/1998

91-061 - Applicability of special permits by the Board of Standards and Appeals

LAST AMENDED

8/12/2004

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

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

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

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

Section [73-21](#) (Automotive Service Stations) shall not apply on #zoning lots# with frontage on any #street# listed on Map 2 or Map 4 in Appendix A

Section [73-244](#) (In C2, C3, C4*, C6-4**, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall also apply in C5 Districts to eating or drinking establishments with entertainment, including musical entertainment or dancing, and a capacity of more than 200 persons.

91-062 - Applicability of special permits by the City Planning Commission

LAST AMENDED

8/27/1998

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

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

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

Section [74-82](#) (Through Block Arcades)

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

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

Section [74-46](#) (Indoor Interactive Entertainment Facilities).

91-07 - Modification of Use and Bulk Regulations for Zoning Lots Fronting Upon DeLury Square Park

LAST AMENDED
12/21/2009

Where the #lot line# of a #zoning lot# coincides with, or is within 20 feet of, the boundary of DeLury Square Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

91-10 - SPECIAL USE REGULATIONS

LAST AMENDED
8/27/1998

91-11 - Modification of Use Regulations in C5 Districts

LAST AMENDED
8/27/1998

91-111 - Additional uses in C5 Districts

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LAST AMENDED
12/6/2023

In addition to the special permit #uses# cited in Section [91-06](#), the #use# regulations for C5 Districts within the #Special Lower Manhattan District# are modified to permit the following #uses#:

From Use Group 7:

Use Group 7B

From Use Group 8:

Use Groups 8A* and 8B

From Use Group 12:

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

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

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

91-112 - Eating and drinking establishments with dancing in C5 Districts

LAST AMENDED
8/12/2004

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

eating or drinking establishments with entertainment, including musical entertainment or dancing, with a total capacity of 200 persons or fewer, provided that the dance floor or area, if any, does not exceed 400 square feet. The locational and waiting area requirements for eating or drinking establishments of Section [73-244](#) (In C2, C3, C4*, C6-4**, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall apply;

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

91-113 - Location of certain commercial uses

LAST AMENDED
8/27/1998

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

91-12 - Uses on Designated Retail Streets

LAST AMENDED
2/2/2011

On designated retail #streets#, as shown on Map 4 in Appendix A, for #buildings# #developed# or #enlarged# after August 27, 1998, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon such #streets#, #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level#, shall be limited to only those #uses# permitted by the underlying regulations and Section [91-111](#) (Additional uses in C5 Districts), other than automobile showrooms or plumbing, heating or ventilating equipment showrooms, or any of the #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D.

91-13 - Sign Regulations

LAST AMENDED
8/27/1998

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

91-131 - Illuminated signs in C5 Districts

LAST AMENDED
8/27/1998

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

91-132 - Banner regulations

LAST AMENDED
8/27/1998

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

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

91-133 - Height of signs in C6-9 Districts

LAST AMENDED
5/9/2001

In C6-9 Districts within the #Special Lower Manhattan District#, the regulations of Section [32-655](#) (Height of signs in all other Commercial Districts) may be modified to allow a maximum height of 50 feet above #curb level#, provided the City Planning Commission certifies that the design features of the existing #building#, as they appear on May 9, 2001, would unduly obstruct the visibility of the #sign# without such modification. An application for such certification shall be filed with detailed plans showing compliance with this Section.

91-134 - Signs on landmark buildings fronting Broadway in C5-5 Districts

LAST AMENDED
5/14/2003

In addition to #signs# and banners otherwise permitted pursuant to Section [91-13](#), et seq., within 100 feet of Broadway in C5-5 Districts, on any #building# with a #street wall# fronting Broadway that is a landmark designated by the Landmarks Preservation Commission, the applicable #sign# regulations of Section [32-60](#) shall be modified according to the following provisions, provided such #signs# and any alterations to the #building# connected with such #signs# have received a certificate of appropriateness or other permit from the Landmarks Preservation Commission.

- (a) #Illuminated# non-#flashing signs# other than #advertising signs# are permitted with a total #surface area# (in square feet) not to exceed 50 square feet along any #street# frontage.
 - (b) No permitted #sign# shall extend above #curb level# at a height greater than 30 feet.
 - (c) No permitted #sign# shall project across a #street line# more than 60 inches.
 - (d) Permitted #signs# displayed on awnings may also include commercial copy related to the type of business, profession, commodity, service or entertainment conducted, sold or offered within such #building#.
-

91-20 - FLOOR AREA AND DENSITY REGULATIONS

91-21 - Maximum Floor Area Ratio

LAST AMENDED
2/2/2011

The basic maximum #floor area ratio# on a #zoning lot# is specified in the table in Section [91-22](#) (Floor Area Increase Regulations) and may be increased only pursuant to the #floor area# increase and bonus provisions of this Chapter.

Notwithstanding the #floor area# increase and bonus provisions of this Chapter, the maximum permitted #floor area ratio# on a #zoning lot# for #residential use# shall be 12.0.

91-22 - Floor Area Increase Regulations

LAST AMENDED
10/7/2021

The basic maximum #floor area ratio# (FAR) of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified in the table in this Section.

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

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT

BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict				Historic & Comm Core	South Street Seaport Subdistrict and all waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4		C5-5	C2-8	C4-6	C6-2A	C5-3
Basic maximum FAR	6.02 ¹ 6.5 ³	10.0 ^{2,3,4}	10.0 ⁴ 15.0 ^{2,3}	2.0 ² 6.5 ³	10.0 ⁴ 15.0 ^{2,3}	2.0 ² 3.4 ³ 10.0 ⁴	3.4 ^{2,3,4}	6.0 ² 6.02 ⁴ 6.5 ³	10.0 ⁴ 15.0 ^{2,3}	15.0

Maximum as-of-right #floor area# bonus for #public plazas#	NA	2.0	3.0	NA	NA	NA	NA	NA	NA	NA
Maximum as-of-right #floor area# bonus for Inclusionary Housing (23-90)	NA	2.0	NA	NA	NA	NA	NA	NA	NA	NA
Maximum FAR with as-of-right #floor area# bonuses	6.02 ¹ 6.5 ³	12.0	18.0	2.0 ² 6.5 ³	15.0	2.0 ² 3.4 ³ 10.0 ⁴	3.4	6.0 ² 6.02 ⁴ 6.5 ³	15.0	15.0
Maximum #floor area# bonuses by authorization or special permit: #mass transit station# improvements and #covered pedestrian spaces#	NA	2.0 ⁸	3.0	NA	3.0	2.0 ⁹	NA	NA	3.0 ⁹	3.0 ⁹
Maximum FAR with as-of-right, authorization or special permit #floor area# bonuses	6.02 ¹ 6.5 ³	12.0 ¹⁰	18.0	2.0 ² 6.5 ³	18.0	12.0	3.4	6.0 ² 6.02 ⁴ 6.5 ³	18.0	18.0

Development rights (FAR) of a landmark lot for transfer purposes (74-79)	NA	10.0	15.0 ⁵ 18.0 ⁶	NA	15.0	NA	NA	NA	NA	NA
Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (91-60)	NA	NA	NA	NA	NA	NA	3.4	8.02	21.6 ⁷	21.6 ⁷
Maximum FAR with transferred development rights from landmark #zoning lot# and as-of-right and authorization or special permit #floor area# bonuses	6.02 ¹ 6.5 ³	14.0 ¹⁰	21.6	2.4 ² 7.8 ³	21.6	NA	3.4	8.02	21.6 ⁷	21.6 ⁷

¹ maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3

² for a #commercial# or, where permitted, #manufacturing use#

³ for a #community facility use#

⁴ for a #residential use#

⁵ if receiving lot is located in a zoning district with a basic maximum FAR of less than 15

⁶ if receiving lot is located in a zoning district with a basic maximum FAR of 15

⁷ maximum FAR for receiving lots less than 30,000 square feet

⁸ for #zoning lots# utilizing a #floor area# bonus pursuant to Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements), the maximum #floor area# bonus shall be 2.4 FAR

9 only pursuant to Section [66-51](#)

10 for #zoning lots# utilizing a #floor area# bonus pursuant to Section [66-51](#), the maximum FAR may be increased through a combination with Inclusionary Housing, in accordance with the provisions of such Section

91-23 - Floor Area Increase for Provision of Recreation Space

LAST AMENDED

2/2/2011

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

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

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

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

91-24 - Floor Area Bonus for Public Plazas

LAST AMENDED

7/20/2017

The maximum permitted #floor area# on a #zoning lot# may be increased, in accordance with the following regulations, where a #public plaza# is provided that meets the requirements of Section [37-70](#) (PUBLIC PLAZAS):

- (a) A #floor area# bonus for a #public plaza# shall only be permitted for a #development# or #enlargement# that is located:
 - (1) outside the Historic and Commercial Core;
 - (2) outside the South Street Seaport Subdistrict; or
 - (3) beyond 50 feet of a #street line# of a designated #street#, except in C6-4 Districts, on which:
 - (i) retail continuity is required, pursuant to Section [91-41](#) (Regulations for Designated Retail Streets); or
 - (ii) #street wall# continuity is required, pursuant to the regulations for Type 1 or Type 2A #street walls# pursuant to Section [91-31](#) (Street Wall Regulations).

- (b) Within a C6-4 District, paragraph (a)(3) of this Section shall not apply to the location of a #development# or #enlargement#. However, a #floor area# bonus for a #public plaza# shall be permitted, provided that such #public plaza# is located beyond 50 feet of the designated #streets# referenced in paragraph (a)(3).
- (c) For each square foot of a #public plaza#, the basic maximum #floor area# permitted by Section [91-22](#) (Floor Area Increase Regulations) may be increased, in C6-4 Districts, by six square feet, to a maximum #floor area# ratio of 12.0 and, in C5-3, C5-5 and C6-9 Districts, by 10 square feet, to a maximum #floor area# ratio of 18.0.
- (d) When a #public plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of the #public plaza# or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

91-25 - Special Permit Bonuses for Increased Floor Area

LAST AMENDED
2/2/2011

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

91-251 - Special permit for covered pedestrian space

LAST AMENDED
10/7/2021

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

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections [91-21](#) (Maximum Floor Area Ratio) and [91-22](#) (Floor Area Increase Regulations).

91-30 - HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

LAST AMENDED
4/30/2003

For all #buildings or other structures# in the #Special Lower Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section.

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

91-31 - Street Wall Regulations

LAST AMENDED
2/2/2011

For the purposes of applying the #street wall# regulations of this Section, #developments# shall include alterations and #enlargements# that change the height, width or location of a #street wall#.

All portions of #buildings or other structures# located above the maximum base heights specified in paragraph (a) of this Section shall provide a setback in accordance with the regulations of Section [91-32](#) (Setback Regulations).

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

(1) #Street wall# regulations: Type 1

For #developments# that front upon a #street# indicated as "Type 1" on Map 2 (Street Wall Continuity Types 1, 2A, 2B and 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 150 feet or the height of the #building#, whichever is less. The maximum base height shall be 250 feet.

(2) #Street wall# regulations: Type 2A

For #developments# that front upon a #street# indicated as "Type 2A" on Map 2 in Appendix A, #street walls# shall extend along such entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(3) #Street wall# regulations: Type 2B

For #developments# that front upon a #street# indicated as "Type 2B" on Map 2 in Appendix A, #street walls# shall extend along at least 60 percent of such #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(4) #Street wall# regulations: Type 3

For #developments# that front upon a #street# indicated as "Type 3" on Map 2 in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 60 feet, five stories, or the height of the #building#, whichever is less. The maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater.

(5) #Street wall# regulations: Type 4

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

(6) #Street wall# regulations: Type 5

For #developments# that front upon a #street# indicated as "Type 5" on Map 3 in Appendix A, no setbacks are required for any portion of a #building#.

(b) For #developments# that front upon a #street# indicated as "Type 1" or "Type 2A," at least 70 percent of the #aggregate width of street walls# shall be located on such #street line#. For #developments# that front upon a #street# indicated as

“Type 2B,” at least 60 percent of the #aggregate width of street walls# shall be located within 10 feet of such #street line#. For #developments# that front upon a #street# indicated as “Type 3,” at least 70 percent of the #aggregate width of street walls# shall be located within 10 feet of such #street line#. The remaining 30 percent of the #aggregate width of street walls# may be located beyond such #street lines# in compliance with:

- (1) the #outer court# regulations of Article II, Chapter 3, for #residential# portions of #buildings#;
 - (2) the #outer court# regulations of Article II, Chapter 4, for all other portions of #buildings#; or
 - (3) the requirements of Section [37-50](#) where such areas are pedestrian circulation spaces.
- (c) When a #building# fronts on two intersecting #streets# for which different maximum base heights are specified, the higher maximum base height may wrap around to the #street# with the lower maximum base height for a distance along the #street line# of 100 feet. However, “Type 5” #street walls# shall not be permitted to wrap around to the intersecting #street#.
- (d) Arcades and sidewalk widenings that meet the design standards of Section [37-53](#) (Design Standards for Pedestrian Circulation Spaces) shall be permitted along any #street# indicated as “Type 1,” “Type 2A” or “Type 3,” pursuant to paragraphs (a), (b) or (c) of this Section, provided such arcade or sidewalk widening extends along the entire #block# frontage or abuts another arcade, existing on August 27, 1998, of equal width and height or another sidewalk widening of equal width. In such case, the #street wall# requirements for paragraph (b) of this Section shall be measured from the permitted arcade or sidewalk widening.

91-32 - Setback Regulations

LAST AMENDED
2/2/2011

In accordance with the provisions of Section [91-31](#) (Street Wall Regulations), setbacks are required for any portion of a #building or other structure# that exceeds the maximum base heights specified for the applicable #street# in Section [91-31](#).

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

REQUIRED DEPTH OF SETBACKS

#Lot area# of #zoning lot#	Minimum setback depth
Less than 15,000 square feet	10 feet
15,001 to 30,000 square feet	15 feet
Greater than 30,000 square feet	20 feet

For “Type 1” and “Type 2A and 2B” #street walls#, the required setbacks shall be measured from the #street line#.

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

the #street line#.

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

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

91-33 - Lot Coverage Regulations

LAST AMENDED

2/2/2011

Above the maximum base height specified in Section [91-31](#) (Street Wall Regulations), up to a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 65 percent. Above a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 50 percent.

However, within the Historic and Commercial Core, above the maximum base height specified in Section [91-31](#), up to a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 75 percent. Above a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 60 percent.

For #buildings# fronting on more than one #street# where different maximum base heights are specified, the maximum #lot coverage# regulations specified in this Section shall apply at horizontal planes at heights corresponding to the different maximum base heights. The #lot coverage# at the level of the lowest plane shall apply to the portion of a #zoning lot# located beyond 100 feet from any #street# with a higher maximum base height. The #lot coverage# at the level of each subsequent higher plane shall apply to the portion of the #zoning lot# located beyond 100 feet from any #street# with a higher maximum base height, and shall also include those portions of the #zoning lot# where lower base heights apply. The highest horizontal plane shall be established over the entire #zoning lot#.

91-34 - Maximum Horizontal Dimension for Tall Buildings

LAST AMENDED

2/2/2011

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

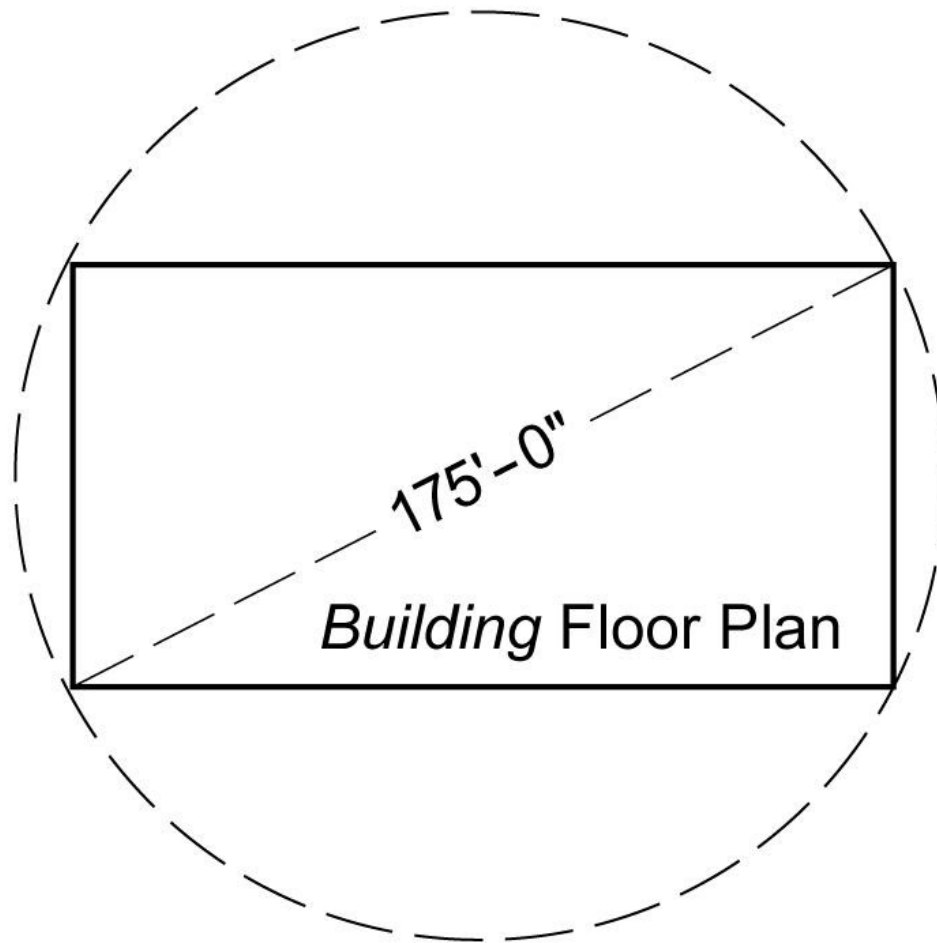


Diagram of Maximum Horizontal Dimension

(91—34)

91-35 - Modification of Street Wall, Setback, Lot Coverage and Maximum Horizontal Dimension Regulations

LAST AMENDED
2/2/2011

The City Planning Commission, by special permit, may modify:

- (a) the #street wall# requirements and minimum base heights of Section [91-31](#) (Street Wall Regulations);
- (b) the setback requirements of Section [91-32](#); and
- (c) where such #zoning lots# contain #buildings# existing on December 15, 1961, that exceed a height of 300 feet, the #lot coverage# regulations of Section [91-33](#) and the maximum horizontal dimension set forth in Section [91-34](#) (Maximum Horizontal Dimension for Tall Buildings), provided such modifications are limited to that portion of the #development# or #enlargement# between 300 and 325 feet in height, and provided the #lot coverage# of such portion does not exceed 55 percent.

In order to grant such special permit, the Commission shall find that:

- (1) such modifications will result in a site plan consistent with existing scale and streetscape patterns;

- (2) such modifications will ensure a harmonious relationship between the #development# or #enlargement# and the surrounding area;
- (3) such #street wall# modifications will enhance pedestrian circulation by providing pedestrian amenities that relieve sidewalk congestion;
- (4) such setback, #lot coverage# or horizontal dimension modifications will not unduly obstruct access to light and air to surrounding #streets# and properties; and
- (5) such setback, #lot coverage# or horizontal dimension modifications will result in a built form that maintains an appropriate relationship between tower and base portions of the #development# or #enlargement#.

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

91-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
8/27/1998

91-41 - Regulations for Designated Retail Streets

LAST AMENDED
2/2/2011

The #use# regulations of this Section, inclusive, shall apply to #buildings# #developed# after August 27, 1998, and to #buildings# #enlarged# on the ground floor level after August 27, 1998.

91-411 - Location of required retail space

LAST AMENDED
2/2/2011

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

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

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

91-412 - Access and glazing of required retail space

LAST AMENDED

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

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

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

91-42 - Pedestrian Circulation Space

LAST AMENDED
2/2/2011

Within the boundaries of the #Special Lower Manhattan District#, all #developments# or #enlargements# constructed after August 27, 1998, on #zoning lots# of at least 5,000 square feet that contain more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space on such #zoning lot# in accordance with the provisions of Section [37-50](#).

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

- (a) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;
- (b) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street frontage#;
- (c) the #zoning lot# is an #interior# or #through lot# fronting on a #street# or #streets# with Type 1, Type 2A, Type 2B, Type 3, Type 4 or Type 5 #street wall# regulations, as set forth in paragraph (a) of Section [91-31](#) (Street Wall Regulations);
- (d) the #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length; or
- (e) the #zoning lot# is located in a C6-2A or C6-9 District within the South Street Seaport Subdistrict.

91-43 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
2/2/2011

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section [37-40](#) (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section [37-50](#).

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

STATION	LINE
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Bowling Green	Lexington Avenue
Broad St	Nassau Street
Broadway-Nassau Street	8th Avenue
Fulton Street	Nassau Street/Broadway-7th Ave/ Lexington Ave
Brooklyn Bridge-City Hall	Lexington Avenue
Chambers Street	Nassau Street
Chambers Street	Broadway-7th Avenue
Chambers Street	8th Avenue
Park Place	Broadway-7th Avenue
World Trade Center	8th Avenue
City Hall	Broadway-60th Street
Cortlandt Street-WTC	Broadway-7th Avenue
Cortlandt Street	Broadway-60th Street
Rector Street	Broadway-7th Avenue
Rector Street	Broadway-60th Street
Wall Street	Broadway-7th Avenue
Wall Street	Lexington Avenue
Whitehall Street-South Ferry	Broadway-7th Avenue/ Broadway-60th Street

91-50 - OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

LAST AMENDED
5/8/2013

The off-street parking regulations of Article 1, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) and the loading regulations of the underlying districts apply to the #Special Lower Manhattan District#, except as supplemented or modified by the provisions of this Section.

91-51 - Accessory Off-street Parking for Residential Uses in Converted Buildings

LAST AMENDED
2/2/2011

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

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

91-511 - Authorization for off-site parking facilities for converted buildings

LAST AMENDED
5/8/2013

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

- (a) such #accessory# off-site parking spaces are conveniently located in relation to the #residential use#, and in no case further than 600 feet from the #zoning lot# containing the #residential use#;
- (b) such location of the #accessory# off-site parking facility will permit better site planning for the #building# #converted# to #residential use#;
- (c) that such #accessory# off-site parking facility shall contain parking spaces #accessory# only to #residential uses#; and
- (d) such parking facility complies with findings in paragraphs (c)(1), (c)(2), (c)(3) and (c)(5) of Section [13-45](#) (Special Permits for Additional Parking Spaces).

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

91-52 - Curb Cut Regulations

LAST AMENDED

5/8/2013

All curb cuts shall be prohibited on #streets# indicated on Map 5 in Appendix A, except that:

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

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

- (c) The City Planning Commission may authorize curb cuts for #accessory# parking for #residences#, provided such curb cuts:
 - (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
 - (2) will not interfere with the efficient functioning of required pedestrian circulation spaces, or public transit facilities.

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

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

In addition, for #zoning lots# with frontage on #streets# where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section [13-35](#) (Modification of Loading Berth Requirements).

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

91-53 - Waiver of Requirements for Accessory Off-street Loading Berths

LAST AMENDED

9/8/2011

- (a) For #zoning lots# containing Use Group 10A department stores and Use Group 6B offices, where not more than 78,000 square feet of such office #use# is changed to department store #use#, the following modifications may be made provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that the

conditions in paragraphs (b), (c), (d) and (e) of this Section have been met:

- (1) waiver of #accessory# off-street loading berths required for such department store #use#;
 - (2) waiver of existing required #accessory# off-street loading berths when such waiver is necessary to provide an improved goods receiving and in-store transport system; and
 - (3) exemption of existing loading berth floor space from the definition of #floor area# as set forth in Section [12-10](#) when such floor space will be used for such improved goods receiving and in-store transport system.
- (b) A plan for curbside deliveries shall have been approved by the Department of Transportation, as part of the improved goods receiving and in-store transport system for the department store #use#. Such plan shall be based upon a traffic study prepared by a qualified professional and a scope of work, both of which have been approved by the Department of Transportation, establishing that the plan for curbside deliveries shall not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and shall not interfere with the efficient functioning of nearby public transit facilities;
- (c) At least one additional freight elevator and an aggregate of at least 6,000 square feet of staging area for loading and deliveries, exclusive of the area occupied by elevators, shall be provided on the #zoning lot# to be used for the improved goods receiving and in-store transport system for such department store #use#, as depicted on a site plan;
- (d) In the event that any existing loading berth floor space is to be exempted from the definition of #floor area# as set forth in Section [12-10](#), such floor space shall be used for the improved goods receiving and in-store transport system; and
- (e) A Declaration of Restrictions shall have been executed, in a form acceptable to the Department of City Planning, binding upon the owners and its successors and assigns, and providing for maintenance and use of the staging areas and additional elevators for the improved goods receiving and in-store transport system, as well as continued compliance with the plan for curbside deliveries and the site plan. Such declaration shall be filed and recorded in the Office of the City Register of the City of New York against the lots comprising the #zoning lot#. Receipt of proof of recordation in a form acceptable to the Department shall be a precondition to the issuance of this certification, and the recording information shall be included on any temporary or final certificate of occupancy for any #building# or portion thereof, issued after the recording date.

91-60 - REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

91-61 - General Provisions

LAST AMENDED

8/27/1998

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

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

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to #waterfront zoning lots# within the South Street Seaport Subdistrict. The provisions of paragraph (c) of Section [74-792](#) (Conditions and limitations) concerning the transfer of development rights from landmark sites in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts shall not apply in the South Street Seaport Subdistrict.

91-62 - Definitions

LAST AMENDED

2/2/2011

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

Development rights

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

Granting lot

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

Person

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

Receiving lot

Within the South Street Seaport Subdistrict, a "receiving lot" is a #zoning lot# identified on the map of transfer areas (Map 6 in Appendix A) to which #development rights# may be added. Such "receiving lots" are identified on the map as Parcels 1, 2, 8, 15, 16, 20, 21 and 22.

Street

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

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

91-63 - Transfer Areas Map

LAST AMENDED

8/27/1998

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

91-64 - Transfer of Development Rights From Granting Lots

LAST AMENDED

2/2/2011

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

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

so conveyed or otherwise disposed of:

- (1) an amount equal to the product of the #lot area# of each of such #zoning lots# multiplied by 5.0; or
- (2) the total #floor area# of all existing #buildings# on any such #zoning lots#.

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

91-65 - Addition of Development Rights to Receiving Lots

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# shall not exceed 21.6. However, if a #receiving lot# is located in a C4-6 District, the total #floor area ratio# shall not exceed 3.4 and if a #receiving lot# is located in a C6-2A District, the total #floor area ratio# shall not exceed 8.02. #Development rights# transferred to a #receiving lot# may be applied to a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #residential# #floor area ratio# exceed 12.0.

The City Planning Commission shall certify that any #zoning lot# that utilizes such transferred #development rights# conforms to this Section and, for those #receiving lots# within the Urban Renewal Area, to the regulations and controls of the Urban Renewal Plan.

91-66 - Modification of Use and Bulk Regulations

LAST AMENDED
3/20/2013

91-661 - Bulk modifications in C6-2A Districts

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, for any #zoning lot# located in a C6-2A District, the underlying height and setback regulations shall apply, except the maximum #building# height shall be 120 feet. No minimum base height shall apply, and the depth of a required setback along a #narrow street# shall be at least 10 feet. No #lot coverage# regulations shall apply to #corner lots#. Furthermore, the provisions of Article II, Chapter 8 (The Quality Housing Program), shall not apply.

91-662 - Authorization for modification of bulk provisions and public space in C6-9 Districts

LAST AMENDED 2/2/2011

In the South Street Seaport Subdistrict, the City Planning Commission may authorize:

- (a) the alteration of any public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that the Commission finds that such modifications improve the intended public purpose of the amenity; or
- (b) the elimination or reduction of an existing public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that a new or improved public amenity, open or enclosed, is supplied elsewhere on, or within proximity to, the #zoning lot#, and the Commission finds that:
 - (1) the public amenity to be eliminated no longer serves its original purpose; and
 - (2) the proposed new or improved public amenity will provide a greater public benefit than the amenity to be eliminated or reduced and will better serve the purposes of the #Special Lower Manhattan District#; and
- (c) the modification of the applicable height, setback, lot coverage and distance between #buildings# requirements for any #development# or #enlargement# on a designated #receiving lot# that will incorporate transferred #development rights#, provided the Commission finds that the modifications:
 - (1) provide an appropriate distribution of #bulk# on the #zoning lot#;
 - (2) permit adequate light and air to the #development# or #enlargement# and adjoining properties as well as the surrounding #streets#; and
 - (3) will not impair the use and desirability of any public amenity that may be created or improved under the provisions of paragraph (b) of this Section.

If a #receiving lot# contains an existing #building#, such authorization shall incorporate any previous height and setback or other bulk modifications, granted prior to December 11, 2001, by the Board of Standards and Appeals, for such existing #building#.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-663 - Special permit for bulk modifications

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, the City Planning Commission may modify, by special permit, the height and setback and #lot coverage# regulations of Section [91-30](#), provided that:

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

65 percent plus one-half of one percent for every .10 by which the total #floor area ratio# on such #receiving lot# would exceed a #floor area ratio# of 21.6, provided that the #development# or #enlargement# on such #receiving lot# has achieved a minimum #floor area ratio# of 18.0;

- (b) In order to grant such special permit, the Commission shall make the following findings:
- (1) the location of the #development# or #enlargement# and the distribution of #bulk# will permit adequate light and air to surrounding #streets# and properties;
 - (2) any modification of height and setback will provide for better distribution of #bulk# on the #zoning lot#; and
 - (3) such special permit will aid in achieving the general purposes and intent of the Subdistrict.

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

91-664 - Modification of hours of operation for waterfront public access areas

LAST AMENDED

3/20/2013

For any #zoning lot# which was the subject of application N130058 ZCM, the hours of operation set forth in paragraph (a) of Section [62-71](#) (Operational Requirements) may be extended to allow public access up to 24 hours per day, and the provisions of paragraph (a)(3) of Section [62-654](#) (Signage) shall be modified to require any such extended hours of public access, as may change over time, to be included on the required signage. The provisions of paragraph (a)(4) of Section [62-654](#) shall not apply where 24 hour access is allowed. The provisions of paragraph (b) of Section [62-71](#) requiring rules of conduct for the #waterfront public access area# to be established with the Department of Parks and Recreation, and other provisions of this Chapter requiring a maintenance and operation agreement pursuant to Section [62-74](#) (Requirements for Recordation), shall not apply so long as a legal instrument acceptable to the Chairperson, in all other respects consistent with the provisions of Section [62-74](#), has been executed and recorded, setting forth rules of conduct and maintenance and operations requirements.

91-67 - Recordation

LAST AMENDED

8/27/1998

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

91-68 - Designated Pedestrian Ways

LAST AMENDED

8/27/1998

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

- (a) Fulton Street, between Water and South Streets
- (b) Water Street, between Fulton and Beekman Streets
- (c) Front Street, between Fulton and Beekman Streets, and between John and Fulton Streets
- (d) South Street (the 18-foot-wide strip located on the northwesterly side), between Beekman and John Streets.

In addition, the designated pedestrian ways referenced in paragraphs (a), (b) and (c) of this Section may be considered a single #zoning lot# for purposes of the definition of #large-scale general development# in Section [12-10](#) (Definitions).

91-69 - Special Permit for Development of Piers 9, 11, 13 and 14

LAST AMENDED
2/2/2011

Within the area bounded by South Street, the southerly edge of Pier 9, the U. S. Pierhead Line and the northerly edge of Pier 14, which, for the requirements of this Section, shall be deemed to be a single #zoning lot#, the City Planning Commission may, by special permit, permit modification of the bulk regulations, other than #floor area ratio# applicable to the #zoning lot#, and may modify or waive the requirements of Section [62-50](#) (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in accordance with the provisions of this Section.

The special permit shall be subject to the condition that the property owner, principal lessee or licensee of property owner has entered into an agreement with the Department of Parks and Recreation to operate and maintain the publicly accessible areas in accordance with Section [62-70](#) (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). For purposes of this Section, such publicly accessible areas shall be deemed "waterfront public access areas."

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

- (a) any modification of height and setback regulations results in an appropriate distribution of permitted bulk on the piers;
- (b) no #buildings or other structures# shall unduly obstruct the visual corridor bounded by the prolongation of the northern and southern #street lines# of Wall Street seaward to the U. S. Pierhead Line;
- (c) any modification will not unduly impede surface traffic and will minimize possible vehicular/pedestrian conflicts in the surrounding area;
- (d) that the seaward end of all such piers is unobstructed to the greatest extent feasible so as to maximize views northward and southward;
- (e) the development plan for such area includes an appropriate amount of publicly-accessible open space which shall incorporate appropriate design features that serve the needs of the local area, including but not limited to landscaping, lighting and seating; and
- (f) the development plan is integrated with existing and proposed nearby development.

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

91-70 - SPECIAL REGULATIONS FOR CERTAIN AREAS

LAST AMENDED

2/2/2011

#Developments# or #enlargements# in the former Special Greenwich Street Development District built prior to August 27, 1998, will continue to be governed by the regulations in effect at the time of issuance of the building permit and can only be modified or altered by Sections [91-71](#) through [91-73](#), inclusive.

91-71 - Authorization for the Modification of Required Public Amenities

LAST AMENDED

2/2/2011

The City Planning Commission may authorize modifications of certain provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, that mandated public amenities, as follows:

- (a) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that resulted in an increase in the basic maximum #floor area ratio# or an increase in the adjusted basic maximum #floor area ratio#, the Commission may authorize:
 - (1) the alteration of the amenity or improvement, provided that the Commission finds that such modifications improve the intended public purpose of the amenity;
 - (2) the elimination of the amenity or improvement, provided that the Commission finds that the intended public purpose is no longer useful or desirable and a new public amenity or improvement is supplied, as permitted pursuant to this Chapter, that generates the same or higher amount of bonusable #floor area#; or
 - (3) in the case of an amenity or improvement built in excess of the requirements necessary to generate the bonus #floor area# at the time of #development# or #enlargement#, the elimination of such portion of the amenity not tied to the bonus #floor area#, provided that the Commission finds that such portion is no longer useful or desirable.
- (b) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that did not result in an increase in the basic maximum #floor area ratio#, the Commission may authorize the elimination or alteration of the amenity or improvement if it finds that the intended public purpose is no longer useful or desirable.
- (c) No mandatory or elective public amenity or improvement built pursuant to the regulations of the former Special District shall be eliminated or reduced in size, without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#, in accordance with the provisions of paragraph (a)(2) of this Section, except by special permit of the Commission, subject to a finding that the proposed change will provide a greater public benefit in light of the public amenity's purpose and the purposes of the #Special Lower Manhattan District#.

However, the open pedestrian bridge spanning Greenwich Street between Liberty and Cedar Streets may be eliminated, without recourse to the Commission, where the pedestrian access provided between the required elevated public pedestrian circulation systems is no longer useful or desired.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-72 - Special Permit for Development Over or Adjacent to the Approaches to the Brooklyn Battery Tunnel

LAST AMENDED
2/2/2011

The City Planning Commission, by special permit, may allow:

- (a) the unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single #zoning lot# and may allow the #development# or #enlargement# of a #building# on such unmapped air space, where the #zoning lot# for such #development# or #enlargement# shall include only that portion of the area above the approaches to the Brooklyn Battery Tunnel and contiguous areas of land or property that are covered by a permanent platform and not designated as approaches to the Brooklyn Battery Tunnel.
- (b) the unmapped air space above the approaches to the Brooklyn Battery Tunnel, the unmapped air space above Joseph P. Ward Street and the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street to be deemed a single #zoning lot#, and in connection therewith:
 - (1) such #zoning lot# shall generate #floor area# only from such at-grade parcels and only those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on November 15, 2007;
 - (2) no #floor area# shall be generated from the unmapped air space above Joseph P. Ward Street; and
 - (3) unused #floor area# generated from those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on November 15, 2007, shall only be located on the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street and shall only be used for #residential# #floor area#.

Notwithstanding any of the foregoing, the use and occupancy of the unmapped air space above the approaches to the Brooklyn Battery Tunnel and of the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map, as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel by the New York State Triborough Bridge and Tunnel Authority, may be continued and in effect as set forth in Resolutions of the former New York City Board of Estimate and as otherwise permitted by law.

The at-grade parcels of the #zoning lot# bounding the northern #street line# of Joseph P. Ward Street shall be considered a #through lot# bounded by Washington Street and West Street from its lowest level to the sky, and only such at-grade parcels shall be used to determine compliance with applicable #bulk# regulations other than #floor area# and #lot area# regulations.

For purposes of this paragraph, (b), the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street shall mean:

the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map, as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel; and

the at-grade parcel bounding the northern line of said parcel.

In order to grant such special permit, the Commission shall find that adequate access and #street# frontage to one or more #streets# is provided; and the streetscape, site design and location of #building# entrances of the proposed #development# or #enlargement# will contribute to the overall improvement of pedestrian circulation within the surrounding area.

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

91-73 - Special Provisions for Battery Park Underpass/South Street

LAST AMENDED

2/2/2011

A #zoning lot# containing a #development#, or portion thereof, on a #waterfront zoning lot#, may be located within the volume above the upper limiting plane of the Battery Park Underpass/South Street, when such volume is eliminated, discontinued and closed. That portion of the #zoning lot# that lies above the Battery Park Underpass/South Street shall not be considered #lot area# for the purpose of computing maximum #floor area#; however, such portion shall be considered #lot area# for all other purposes of this Resolution.

91-80 - PUBLIC ACCESS AREAS

LAST AMENDED

6/21/2016

The following regulations shall apply to #arcades# and #publicly accessible open areas# existing on June 21, 2016, located within the Water Street Subdistrict as shown on Map 8 in Appendix A of this Chapter except for the #plaza# that was the subject of special permit application CP-20518, approved by the City Planning Commission on November 27, 1968.

For the purposes of this Section, inclusive, “arcade” shall refer to an #arcade# or #through block arcade# provided in accordance with the provisions of Sections [12-10](#) (DEFINITIONS) and [37-80](#) (ARCADES), or any other #arcade# that generated a #floor area# bonus as evidenced by plans approved by the Department of Buildings.

A horizontal #enlargement# permitted by Sections [91-83](#) (Retail Uses Within Existing Arcades), inclusive, or [91-841](#) (Authorization for retail uses within existing arcades) shall not be included as #floor area#, and such additional area shall not result in a reduction of the permitted #floor area#.

No #arcade# may be eliminated or reduced in size pursuant to paragraphs (a) or (d) of Section [33-124](#) (Existing public amenities for which floor area bonuses have been received). In lieu thereof the following provisions shall apply: Sections [91-83](#), [91-841](#) and, as applicable, Section [91-85](#) (Special Permit for Enlargements of 7,500 Square Feet or Greater).

For any #zoning lot# that was the subject of application C810325ZSM, C810506ZSM or C841070ZSM, a certification pursuant to Section [91-83](#) or an authorization pursuant to Section [91-841](#) shall not result in a departure from the findings and conditions specified in the applicable special permit, and such certification or authorization shall not require modification of the applicable special permit unless such a modification is required pursuant to a related restrictive declaration. For the #zoning lot# that was the subject of application C810325ZSM, the existing #through block arcade# shall not be eliminated, but may be modified in size and configuration provided that the standards for #through block arcades# set forth in Section [12-10](#) are met.

Public events may take place within a #publicly accessible open area# or #arcade# pursuant to the provisions of Section [91-81](#) (Events Within Public Access Areas). Publicly accessible tables, chairs, shade umbrellas and heating lamps may be located within a #publicly accessible open area# or #arcade# pursuant to the provisions of Section [91-82](#) (Amenities Within Public Access Areas). An outdoor cafe may be located within an #arcade# pursuant to Section [91-821](#) (Certification for outdoor cafes within arcades).

A horizontal #enlargement# of the ground floor and second floor levels may be permitted within #arcades#, or portions thereof, located within Area A in Map 9 of Appendix A of this Chapter pursuant to the provisions of Section [91-83](#), and within Area B pursuant to the provisions of Section [91-841](#). In addition, a horizontal #enlargement# of 7,500 square feet or greater shall also

require a special permit pursuant to Section [91-85](#). For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections [91-83](#) and [91-837](#) (Subsequent design changes) and prior authorizations pursuant to Section [91-841](#) shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation. In no event shall an #enlargement# be permitted within #arcades#, or portions thereof, located within Area C on Map 9 in Appendix A of this Chapter.

91-81 - Events Within Public Access Areas

LAST AMENDED
6/21/2016

The provisions of Article III, Chapter 7 restricting the temporary placement or storage of event-related amenities or equipment within a #publicly accessible open area# or #arcade# shall be modified by the provisions of this Section. The temporary placement or storage of event-related equipment or amenities in accordance with the provisions of this Section shall not constitute a design change pursuant to the provisions of Sections [37-625](#) or 91-837.

Events including, but not limited to, farmers' markets, holiday markets, concerts and performances, art and cultural exhibitions and festivals are permitted within all #publicly accessible open areas# and #arcades#. The utilization of a #publicly accessible open area# or #arcade# for the promotion of products or services shall not itself qualify as an event permitted under this Section.

Events shall be open to the public, provide free and unticketed admission and only be permitted to use amplified sound between the hours of 9:00 a.m. and 10:00 p.m. All #publicly accessible open areas# and #arcades# shall continue to be publicly accessible at all times. Event-related amenities and equipment shall be considered temporary permitted obstructions provided that sufficient circulation space connecting all #streets# and #building# entrances exists. All #publicly accessible open areas# and #arcades# shall be restored to their approved condition within 24 hours of the conclusion of an event.

The storage of equipment or materials outside of an event's scheduled hours, excluding time required for set up and clean up, shall not be permitted within a #publicly accessible open area# or #arcade#. However, for events taking place over multiple days or weeks, large temporary equipment that requires assembly and will be actively used during the event, such as stages, kiosks and sound and video entertainment systems, may remain in the #publicly accessible open area# or #arcade# outside of the event's scheduled hours.

At least 30 days prior to the scheduled date of an event, notification shall be given to the local Community Board, local Council Member and Borough President of the nature, size and duration of the event.

91-82 - Amenities Within Public Access Areas

LAST AMENDED
6/21/2016

The provisions of Article III, Chapter 7 restricting the placement of tables, chairs, shade umbrellas and heating lamps within a #publicly accessible open area# or #arcade# shall be modified by the provisions of this Section. The placement of tables, chairs, shade umbrellas or heating lamps in accordance with the provisions of this Section, inclusive, shall not constitute a design change pursuant to the provisions of Sections [37-625](#) or 91-837.

Publicly accessible tables and chairs, as well as shade umbrellas and heating lamps, shall be permitted obstructions within a #publicly accessible open area# or #arcade#, provided that such obstructions comply with the provisions of Section [91-822](#) (Requirements for furnishings), as applicable. Tables, chairs, shade umbrellas and heating lamps provided pursuant to this Section may be used by the public without restriction. Outdoor cafes may be placed within an #arcade# by certification pursuant

to Section [91-821](#) (Certification for outdoor cafes within arcades).

91-821 - Certification for outdoor cafes within arcades

LAST AMENDED

6/21/2016

An outdoor cafe may be permitted within an #arcade# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that, in addition to the provisions of this Section, the provisions of Section [91-822](#) (Requirements for furnishings) are met. An outdoor cafe that is permitted by this Section shall be a permanently unenclosed restaurant or eating or drinking place, which may have waiter or table service.

No portion of an outdoor cafe that is permitted by this Section may extend into a #publicly accessible open area# except where an open air cafe has been permitted by a certification pursuant to Section [37-73](#) (Kiosks and Open Air Cafes).

In order to certify that the proposed modification to an existing #arcade# is consistent with the provisions of this Section, the applicant shall submit to the Chairperson a site plan and other detailed plans demonstrating that the proposed obstructions within the existing #arcade# and, where applicable, pursuant to paragraph (a)(2) of Section [91-822](#), the adjacent #publicly accessible open area#, will comply with the provisions of this Section. The placement of publicly accessible tables and chairs within a #publicly accessible open area# pursuant to paragraph (a)(2) of Section [91-822](#) shall not constitute a design change pursuant to the provisions of Section 37-625.

All plans for #arcades# or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the 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 #arcade#, pursuant to this Section. The filing and recording of such instrument shall be a precondition to certification. The filing and recording information shall be included on any temporary or final certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

91-822 - Requirements for furnishings

LAST AMENDED

6/21/2016

The following provisions shall apply to all furnishings, including tables, chairs, shade umbrellas and heating lamps, permitted by Section [91-82](#) (Amenities Within Public Access Areas) and Section [91-821](#) (Certification for outdoor cafes within arcades).

(a) Size, location and other requirements

(1) Requirements for all furnishings

All furnishings shall be moveable. Permanent fixtures may be installed in the ground of a #publicly accessible open area# or #arcade# for the purposes of supporting shade umbrellas or heating lamps provided that such fixtures are flush-to-grade.

No furnishings shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths.

(2) Additional requirements for outdoor cafes located within #arcades#

Where an outdoor cafe is provided pursuant to Section [91-821](#), a minimum of four tables and 16 chairs shall be

provided and made available to the public without restriction, which may be located within an #arcade# or within a #publicly accessible open area# and shall be outside of the permitted cafe boundary.

Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that they may be located no more than six inches below or on a platform no more than six inches above such adjoining sidewalk area or #publicly accessible open area#. The border of the outdoor cafe shall be permanently marked in accordance with the applicable standards for open air cafes set forth in paragraph (b) of Section [37-73](#).

Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the #arcade#, adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.

Litter receptacles shall be provided in accordance with the standards for #public plazas# set forth in Section 37-744.

(3) Circulation requirements for outdoor cafes located within #arcades#

For #arcades# with a depth of 10 feet or less, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, an unobstructed path not less than three feet wide shall be provided. For #arcades# with a depth greater than 10 feet, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, such unobstructed pedestrian way shall be increased to at least six feet. For #through block arcades#, an unobstructed pedestrian way, except for approved doorways, of at least eight feet shall be provided connecting each #street# on which the #through block arcade# fronts.

(b) Operation

(1) Requirements for all tables and chairs

Except as otherwise provided in paragraph (b)(2) of this Section, tables, chairs, shade umbrellas and heating lamps may be stored or secured within an #arcade# between the hours of 9:00 p.m. and 7:00 a.m., but may not be stored or secured within a #publicly accessible open area#.

(2) Additional requirements for outdoor cafes located within #arcades#

Publicly accessible tables and chairs that are required by paragraph (a)(2) of this Section may not be removed or secured while the cafe is in active use.

All furnishings within the boundary of an outdoor cafe, including tables, chairs, shade umbrellas, bussing stations and heating lamps, shall be completely removed from the #arcade# when the outdoor cafe is not in active use, except that tables and chairs may remain in such #arcade# if they are unsecured and may be used by the public without restriction.

91-83 - Retail Uses Within Existing Arcades

A horizontal #enlargement# of the ground floor and second floor levels within an #arcade# located within Area A on Map 9 in Appendix A of this Chapter may be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that such #enlargement# complies with the provisions of this Section, and the following conditions are met:

- (a) the horizontal #enlargement# meets the requirements of Section [91-831](#) (Ground floor requirements);
- (b) a compensating amenity is provided pursuant to the provisions of Section [91-832](#) for plaza improvements, Section [91-834](#) for indoor public spaces, or Section [91-835](#) for alternative improvements; and
- (c) the additional requirements of Section [91-836](#), as applicable.

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section [91-835](#), an improvement to all #publicly accessible open areas# pursuant to the provisions of Section [91-832](#) shall be required as the compensating amenity required by condition (b) of this Section, and a certification for design changes pursuant to Section [37-625](#) shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section [37-625](#) that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to this Section or a prior authorization pursuant to Section [91-841](#) (Authorization for retail uses within existing arcades) may satisfy the requirements of condition (b) of this Section for a compensating amenity.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an #arcade# that did not generate a #floor area# bonus prior to June 21, 2016. The provisions of Section [91-831](#) (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an #arcade#, and such #enlargement# shall not occupy any #publicly accessible open area#. The locational requirements of paragraph (a)(1) of Section [91-831](#) and the frontage prohibitions of paragraph (b)(1)(ii) of Section [91-831](#) shall apply to such #enlargement#. Where an #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section [91-831](#) for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section [91-85](#) shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to this Section and Section [91-837](#) (Subsequent design changes) and prior authorizations pursuant to Section [91-841](#) shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the #arcade# remains open and accessible, such remaining #arcade# area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such #arcade# area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section [91-831](#) may apply.

91-831 - Ground floor requirements

LAST AMENDED
6/21/2016

The provisions of this Section shall apply to the #street wall# of the ground floor and second floor level #enlargement#. For the purposes of this Section, a #building# wall that faces a #publicly accessible open area# or #through block arcade# shall also be considered a #street wall#, and the provisions of this Section for new #building# walls fronting on a #publicly accessible open

area# shall also apply to new #building# walls fronting on a #through block arcade#, except as otherwise specified. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section [91-842](#) (Authorization to modify design requirements).

(a) Location of #enlargement#

(1) Location of new #building# walls

All new #building# walls shall extend to the full height of the #arcade#. New #building# walls may only be located between the column face closest to an existing #street wall# and the column face furthest from an existing #street wall# or the #street wall# location of the floor above, except that new #building# walls within an existing #through block arcade# that do not face a #street# may extend past the column face furthest from the existing #street wall# provided that the standards for #through block arcades# set forth in Section [12-10](#) (DEFINITIONS) and all other provisions of this Section are met. New #building# walls within an existing #through block arcade# that do not face a #street# shall not be required to extend for the full height of the #through block arcade#.

(2) Length of new #building# walls

An #enlargement# shall extend for the full length of the #street wall#, except for the locations specified on Map 9 in Appendix A of this Chapter and except if a corner #arcade# that adjoins the Water Street #street line# and another #street line# or #publicly accessible open area# is provided in accordance with the provisions of paragraph (c) of Section [37-53](#) (Design Standards for Pedestrian Circulation Spaces) which may provide a clear path 10 feet wide. However, an #enlargement# shall not be required along the length of the #street wall# occupied by an existing parking or loading entrance. Where an #enlargement# within an #arcade# extends along two or more #street walls#, the #enlargement# shall also include the area where the #arcade# areas intersect, except as otherwise provided in this Section, and the location of new #building# walls in such area shall be subject to the provisions of paragraph (a)(1) of this Section.

(b) Permitted #uses# within an #enlargement#

(1) Requirements for all frontages

(i) Retail #uses#

The #street# frontage or frontage along a #publicly accessible open area# of the #enlarged# portion of the ground floor level shall be allocated exclusively to indoor public spaces that are provided in accordance with the provisions of Section [91-834](#) or the #uses# permitted by Sections [91-111](#) (Additional uses in C5 Districts) and [91-12](#) (Uses on Designated Retail Streets), except that Use Groups 5A, 7A, 7B, 8B, 9A, 10A, 12A, 12B, or 12C shall not be permitted. However, bicycle rental or repair shops and studios for art, music, dancing or theater shall be permitted. #Residential uses# shall be limited to lobbies permitted by paragraph (c)(2) of this Section.

All #uses# permitted by this paragraph shall occupy a height no less than that of the ground floor level, and shall occupy a depth no less than that of the #enlargement#.

(ii) Parking, loading and mechanical equipment

No garage entrances, driveways, parking spaces or loading berths shall be permitted within an #enlargement#. No exhaust vents or mechanical equipment shall be permitted on any new #building#

wall unless such exhaust vents are more than 15 feet above the level of the curb.

(iii) Maximum #street wall# width

On the ground floor portion of an #enlargement# for the following Use Group 6 #uses#: the maximum #street wall# width of a bank or loan office shall not exceed 30 feet; and the maximum #street wall# width of a drug store shall not exceed 50 feet.

(2) Additional #use# requirement for a #publicly accessible open area# or #through block arcade#

At least 50 percent of the total frontage of all new #building# walls fronting on a #publicly accessible open area# or #through block arcade#, excluding such frontage occupied by #building# lobbies, shall be occupied by retail or service establishments permitted by paragraph (b)(1) of this Section. As an alternative, the amount of frontage required by this paragraph for occupancy by retail or service establishments may be partially or fully located along existing #building# walls fronting on the #publicly accessible open area# or #through block arcade# and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage.

Libraries, museums and art galleries are permitted #uses# that may front on a #publicly accessible open area#. Banks shall not be a permitted #use# on any #publicly accessible open area# or #through block arcade#. #Uses# required by this paragraph shall be directly accessible from the #publicly accessible open area# or #through block arcade#.

(c) Frontage

(1) Number of establishments

Along the longest #street wall# of the ground floor level #enlargement#, at least two establishments permitted by paragraph (b) of this Section shall be provided on the ground floor level. Frontage that is solely dedicated to access a #use# on a level other than the ground floor level shall not constitute an establishment for the purposes of this paragraph.

(2) Access, entrances and lobbies

The #street wall# frontage of an #enlarged# portion of the ground floor level may be occupied by the #primary entrance# for the principal #use# of the #building#, provided that such #primary entrance# shall not exceed a #street wall# width of 50 feet along Water Street, or, along other #streets#, a #street wall# width of 40 feet, or 25 percent of the #aggregate width of street wall# along such #street# frontage, whichever is less.

For a #primary entrance# that fronts on a #publicly accessible open area#, such entrance shall occupy a minimum frontage length of 20 feet or a length equal to the distance between the two closest columns adjacent to the #publicly accessible open area#, whichever is less. A #primary entrance# for the principal #use# of the #building# may be located along a #through block arcade# or indoor public space provided in accordance with Section [91-834](#) (Indoor public spaces), but may only occupy a maximum frontage length of 25 feet.

Where more than 50 percent of the length of the #enlargement# is occupied by a #primary entrance# permitted by this paragraph, retail or service establishments with an aggregate frontage length equal to at least 50 percent of the length of the #enlargement# shall be required along new or existing #building# walls along the same #street# frontage as the #enlargement#, and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage along existing #building# walls.

(3) Transparency and flood resilience

The ground floor level #street wall# between existing columns shall be glazed with transparent materials, which may include #show windows#, transom windows or glazed portions of doors, except for certain #uses# set forth in Section [37-31](#) (Applicability). Such transparent materials shall occupy at least 70 percent of the surface area of such ground floor level #street wall# between a height above grade of two feet and 14 feet or the height of the ground floor ceiling, whichever is lower.

Where the #use# located within the ground floor level #enlargement# fronts on an #arcade# that remains open and accessible, the length of such frontage shall be glazed with transparent materials in accordance with the provisions of this paragraph.

Permanent fixtures for temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter and are affixed to a column may obstruct any transparent portion of a new #building# wall. Such permanent fixtures may be considered a transparent portion of a new #building# wall. Additionally, such permanent fixtures shall be encased in a decorative material. Temporary flood control devices and associated emergency egress systems shall be permitted in front of any new #building# wall for a reasonable period of time prior to and after a storm event, as determined by the Department of Buildings.

91-832 - Plaza improvements

LAST AMENDED

6/21/2016

A #publicly accessible open area# shall be improved in full accordance with the provisions of Section [37-70](#) (PUBLIC PLAZAS) as modified by this Section, and as further modified by Section [91-833](#) (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# with a maximum depth of less than 40 feet, as measured perpendicular to any #street line#. Subsequent design changes to any #publicly accessible open area# improved pursuant to the provisions of such Sections may only be permitted pursuant to Section [91-837](#). The City Planning Commission may authorize a modification of the provisions of this Section and Section [91-833](#) pursuant to Section [91-842](#) (Authorization to modify design requirements).

- (a) For the purposes of applying the provisions of this Section, any portion of the #publicly accessible open area# occupied by a garage entrance, driveway, loading berth or gratings for electrical vaults may be excluded from the calculation of the total area or total #street# frontage of the #publicly accessible open area#. Such area shall remain open and accessible to the public at all times.
- (b) The area dimension requirements of Section [37-712](#), the locational restrictions of Section [37-713](#), the orientation restrictions of Section [37-714](#) and the requirements for major and minor portions of #public plazas# set forth in Sections [37-715](#) and [37-716](#), respectively, shall not apply.
- (c) The #through block public plaza# provisions of Section [37-717](#) that require a setback along any #building# wall or walls that adjoin a #through block public plaza# or through #block# portion of a #publicly accessible open area# shall not apply.
- (d) The sidewalk frontage provisions of Section [37-721](#) shall be modified as follows:
 - (1) the requirements of paragraph (a) may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain, provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#,

#arcade# or other portion of the #publicly accessible open area#.

- (2) paragraph (b) shall be modified to allow planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of this Section to be located in such area.
 - (3) for #corner public plazas#, where there is a change in elevation permitted by paragraph (e) of this Section for the area within 15 feet of the intersection of any two or more #streets# on which the #publicly accessible open area# fronts, such area shall not be required to be at the same elevation as the adjoining public sidewalk, but must be free of obstructions except as may otherwise be provided in paragraph (d)(1) of this Section.
- (e) The provisions of Section [37-722](#) (Level of plaza) shall be modified to permit any elevation of the #publicly accessible open area# existing on June 21, 2016, to remain.
- (f) The provisions of Section [37-726](#) (Permitted obstructions) shall be modified as follows:
- (1) paragraph (c) shall allow awnings above retail and service establishments that do not project into the #publicly accessible open area# more than three feet when measured perpendicular to the #building# facade. There shall be no limitation on the area or height of an awning, but in no event shall an awning for a retail or service establishment contain vertical supports.
 - (2) paragraph (d) shall allow garage entrances, driveways or loading berths fronting on a #publicly accessible open area# and existing on June 21, 2016, to remain, provided that they are separated from the remainder of the #publicly accessible open area# by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #publicly accessible open area#. A #building# trash storage facility may be accessed or serviced through the portion of a #publicly accessible open area# that is occupied by a garage entrance, driveway or loading berth.
- (g) The provisions of Section [37-742](#) (Planting and trees) may be modified where the Chairperson of the City Planning Commission has been provided with documentation sufficient to establish that subsurface conditions do not allow the required soil depth for shrubs or trees to be provided below-grade or within a planter with bounding walls no higher than 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall of such planter adjoins two or more walking surfaces with different elevations. A raised planter may be provided with bounding walls up to three feet for shrubs, or 3 feet, 6 inches for trees, provided that fixed seating with backs is integrated into the planter for at least 50 percent of the perimeter of the planter that is adjacent to a walking surface. If such planter, or any portion thereof, is located within ten feet of a #street line#, fixed seating with backs shall be integrated into at least 75 percent of the perimeter of the planter that is adjacent to a walking surface. Where it is demonstrated that no required trees can be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, the Chairperson may allow all trees to be planted within raised planters.
- (h) The calculation of the minimum number of entry plaques required by paragraph (a) of Section [37-751](#) (Public space signage systems) may be modified for #publicly accessible open areas# that occupy more than one #street# frontage to alternatively require a minimum of one entry plaque at each #street# frontage of the #publicly accessible open area#, and to further require one additional entry plaque at each #street# frontage that measures 80 feet or more in length.
- (i) The provisions of paragraphs (a) and (d) of Section [37-753](#) (Accessory signs) shall not apply. Each establishment fronting on the #publicly accessible open area# shall be permitted to have one or more #signs# with an aggregate area not to exceed the product of 12 square feet and the length of the establishment along the #publicly accessible open area# in linear feet, divided by 40 linear feet. In no event shall a #sign# exceed 16 square feet in area. #Signs# may be affixed to the #building# wall or to awnings, or may project no more than 18 inches when measured perpendicular to the #building# facade, provided that such #sign# is located a minimum of 10 feet above the level of the #publicly accessible open area#.

- (j) The provisions of paragraphs (a) and (b) of Section [37-76](#) (Mandatory Allocation of Frontages for Permitted Uses) shall not apply. The provisions of Section [91-831](#) (Ground floor requirements) shall apply to all new #building# walls fronting on the #publicly accessible open area#, and the following shall also apply:
- (1) the #use# requirements of paragraph (b)(1) of Section [91-831](#) shall apply to all new establishments located along existing #building# walls fronting on a #publicly accessible open area#; and
 - (2) the provisions of paragraph (c) of Section [37-76](#) for existing #building# walls that are non-transparent shall apply except for frontage occupied by active loading and parking entrances.
- (k) The provisions of Section [37-78](#) (Compliance) shall be modified as follows:
- (1) paragraph (a) shall be modified to provide that no permit shall be issued by the Department of Buildings for any change to a #publicly accessible open area# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of this Section and Sections [91-833](#) or [91-837](#), as applicable; and
 - (2) paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section [37-70](#) as modified by this Section and, as applicable, Section [91-833](#), and that such report shall also be provided to the local Council Member.

91-833 - Special regulations for plazas less than 40 feet in depth

LAST AMENDED
6/21/2016

A #publicly accessible open area# with a maximum depth less than 40 feet measured perpendicular to any #street line# shall be improved in full accordance with the provisions of Section [37-70](#) (PUBLIC PLAZAS) as modified by Section [91-832](#) (Plaza improvements) and as further modified by this Section. Where a #publicly accessible open area# may be considered a #corner public plaza#, the maximum depth shall be measured from a #street line# to a #street wall#. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section [91-842](#) (Authorization to modify design requirements).

- (a) The provisions of Section [37-721](#) (Sidewalk frontage) shall not apply. In lieu thereof, the provisions of this paragraph (a) shall apply to the area of the #publicly accessible open area# located within 10 feet of a #street line# or sidewalk widening line.
- (1) At least 40 percent of such area shall be free of obstructions and, in addition:
 - (i) to facilitate pedestrian access at least 40 percent of the frontage along each #street line# or sidewalk widening line of the #publicly accessible open area# shall be free of obstructions; and
 - (ii) such unobstructed access area shall extend to a depth of 10 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#.

The requirement of this paragraph for unobstructed access may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, #arcade# or other portion of the #publicly accessible open area#.

- (2) In the remaining 60 percent or more of such area, the provisions of paragraph (b) of Section [37-721](#) shall apply,

except that no more than 40 continuous linear feet of any #street# frontage occupied by a #publicly accessible open area# may be obstructed. Furthermore, planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of Section [91-832](#) may be located in such area.

- (3) For #corner public plazas#, the requirements of this paragraph (a) shall apply separately to each #street# frontage, and the area within 10 feet of the intersection of any #street# and Water Street or Wall Street shall be at the same elevation as the adjoining public sidewalk, except where there is a change in elevation permitted by paragraph (e) of Section [91-832](#), and such area shall be free of obstructions except as may otherwise be provided in paragraph (a)(1) of this Section.
- (b) The provisions of Section [37-723](#) (Circulation paths) shall be modified so that the required circulation path of at least eight feet clear width shall be located adjacent to the #street wall# and shall extend for at least 80 percent of the length of such #street wall#. Where there are multiple #street walls#, the provisions of this paragraph shall apply separately to each frontage. In addition to the obstructions that are permitted within circulation paths, moveable tables and chairs, fixed seating and planting beds not exceeding six inches above any adjacent walking surface shall also be considered permitted obstructions provided that an unobstructed path of at least five feet wide is provided.

Where an open air cafe pursuant to Section [37-73](#) (Kiosks and Open Air Cafes) is provided adjacent to a #building# wall, such open air cafe may occupy a portion of the required circulation path provided that there is an unobstructed clear path of at least six feet wide between the #building# wall and any furnishings of the open air cafe. The unobstructed path shall be included in the calculation of the area occupied by the open air cafe.

- (c) The provisions of Section [37-741](#) (Seating) that require seating within 15 feet of the #street line# shall not apply to #street# frontages that measure less than 40 feet in length.
- (d) The provisions of Section [37-742](#) (Planting and trees) shall be further modified as follows:
 - (1) For #publicly accessible open areas# with an area less than 2,000 square feet, the number of required trees shall be reduced to two, and only one tree shall be required to be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, except as may be modified by paragraph (g) of Section [91-832](#).
 - (2) The total area of required planting beds may not be concentrated within one continuous planter or planting bed, except when a #publicly accessible open area# has an area of 1,000 square feet or less.
- (e) The provisions of Section [37-746](#) (Drinking fountains) shall be modified to require only #publicly accessible open areas# containing an area of 2,000 square feet or more to provide a minimum of one drinking fountain.

91-834 - Indoor public spaces

LAST AMENDED
6/21/2016

Indoor public spaces are enclosed, climate-controlled areas on a #zoning lot# intended for public use and enjoyment. The standards contained within this Section are intended to serve the same purposes outlined for #public plazas# in Section [37-70](#). The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section [91-842](#) (Authorization to modify design requirements).

- (a) Indoor public spaces shall contain an area of not less than 2,000 square feet and have a minimum width and depth, at any point, of 20 feet. Indoor public spaces shall be located on the ground floor level, shall be directly accessible from all #streets# or #publicly accessible open areas# that the space fronts, and shall extend, at a minimum, for the full height of the ground floor level.

- (b) Indoor public spaces shall be fully enclosed, and the transparency requirements of paragraph (c) of Section [91-831](#) (Ground floor requirements) shall apply to all #street walls# or #building# walls facing a #publicly accessible open area#. The space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least equal to those of the lobby for the principal #use# of the #building#.
- (c) Public access to the indoor public space shall be provided, at a minimum, between the hours of 6:00 a.m. to 12:00 a.m. The hours of access shall be included on all required entry plaques and information plaques in accordance with the provisions of Section [37-751](#) (Public space signage systems) and paragraph (i) of this Section.
- (d) The provisions of Sections [37-718](#) (Paving), [37-722](#) (Level of plaza), [37-728](#) (Standards of accessibility for persons with disabilities), [37-744](#) (Litter receptacles), [37-745](#) (Bicycle parking), [37-746](#) (Drinking fountains), [37-748](#) (Additional amenities), [37-752](#) (Prohibition signs), [37-753](#) (Accessory signs) and [37-77](#) (Maintenance) shall apply.
- (e) The provisions of Section [37-723](#) (Circulation paths) for #through block public plazas# shall apply to #through block arcades# except as otherwise provided in Section [91-821](#) (Certification for outdoor cafes within arcades) when a cafe is provided. Trees planted flush-to-grade that measure less than four caliper inches at the time of planting, as permitted by paragraph (h) of this Section, shall not be considered permitted obstructions within circulation paths.
- (f) The provisions of paragraphs (a) and (b) of Section [37-726](#) (Permitted obstructions) shall apply. A kiosk shall be a permitted obstruction provided that the requirements of paragraph (a) of Section [37-73](#) (Kiosks and Open Air Cafes) are met. A certification pursuant to Section [37-73](#) shall not be required to locate a kiosk within an indoor public space. A cafe permitted by certification pursuant to Section [91-821](#) shall be considered a permitted obstruction within an indoor public space and may not occupy more than 20 percent of the indoor public space area.
- (g) The provisions of Section [37-741](#) for seating shall apply, except as modified as follows:
- (1) The requirements for seating within 15 feet of a #street line# shall not apply.
 - (2) All of the linear seating capacity may be in moveable seats. Any moveable seats that are provided must remain in the indoor public space during the hours of operation.
 - (3) The requirement that seats that face walls must be a minimum of six feet from such wall shall only apply to fixed seating.
- (h) The requirements of Section [37-742](#) for planting and trees shall apply, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.
- (i) Public space signage shall be provided in accordance with the provisions of Section [37-751](#), except as modified as follows:
- (1) An information plaque shall be provided at each point of pedestrian entry to the indoor public space. Information plaques for #through block arcades# shall also include 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. Furthermore, a minimum of one additional information plaque shall be provided within the indoor public space.
 - (2) Paragraph (c) shall not apply.
- (j) All indoor public spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of Section [37-743](#) for a lighting schedule, a diagram of light level distribution and electrical power shall apply.

- (k) The #use# requirements of paragraph (b) and the lobby requirements of paragraph (c)(2) of Section [91-831](#) shall apply to all #building# walls fronting on an indoor public space that do not face a #street# or #publicly accessible open area#. The provisions of paragraph (c) of Section [37-76](#) for new or existing #building# walls that are non-transparent shall apply.
- (l) The provisions of Section [37-78](#) (Compliance) shall be modified as follows:
- (1) paragraph (a) shall not apply; and
 - (2) paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section [37-70](#) as modified by this Section, and that such report shall also be provided to the local Council Member.

Subsequent design changes to any indoor public space that was subject to the provisions of this Section may only be permitted pursuant to Section [91-837](#) (Subsequent design changes).

91-835 - Alternative improvements

LAST AMENDED
6/21/2016

A permanent amenity other than the improvement of an existing #publicly accessible open area# pursuant to the provisions of Section [91-832](#) or the provision of an indoor public space pursuant to the provisions of Section [91-834](#) may be provided for the properties listed in this Section. The City Planning Commission may authorize an improvement not listed in this Section pursuant to Section [91-843](#) (Authorization to modify requirements for alternative improvements).

Building Address	Required Alternative Improvement
175 Water Street	Area C on Map 9 in Appendix A of this Chapter, the open area along John Street and the open area along Front Street with a minimum depth of 15 feet measured perpendicular to the Front Street #street line# shall be improved in accordance with the provisions of Sections 91-832 and 91-833. Such open area and remaining #arcade# area shall be considered one contiguous public space and shall be accessible to the public at all times.
100 Wall Street	Maintenance of Manahatta Park between Water Street and Front Street for the life of the #building#.
110 Wall Street	Maintenance of Manahatta Park between Front Street and South Street for the life of the #building#.

91-836 - Additional requirements

LAST AMENDED

6/21/2016

(a) Legal requirements

All plans for #arcades#, #publicly accessible open areas#, required open areas, and indoor public spaces that are the subject of a certification pursuant to Section [91-83](#) (Retail Uses Within Existing Arcades) shall be filed and duly recorded in the New York County 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 of the City Planning Commission, providing notice of the certification pursuant to Section [91-83](#). The 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. Where compensating amenity required by condition (b) of Section [91-83](#) is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for such #enlargement# until the compensating amenity has been substantially completed in accordance with the approved plans, as certified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section [91-835](#) (Alternative improvements), the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Chairperson, and the filing of such instrument in the New York County Office of the City Register 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. Modifications to the declaration required by this paragraph may only be allowed upon approval by the Chairperson.

(b) Existing approvals by the Board of Standards and Appeals

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the application pursuant to Section [91-83](#) shall be referred for thirty (30) days to the Board of Standards and Appeals who shall certify to the Department of City Planning whether such application would not result in a departure from the findings and conditions specified in the original approval.

(c) Community Board review

No earlier than the date on which the application for certification pursuant to Section [91-83](#) is filed, a copy of the application shall be submitted by the applicant to the affected Community Board and local Council Member for 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

91-837 - Subsequent design changes

LAST AMENDED

6/21/2016

Design changes to any #publicly accessible open area#, required open area or indoor public space previously improved pursuant to the provisions of Sections [91-832](#) (Plaza improvements) or [91-834](#) (Indoor public spaces) may only be made upon certification by the Chairperson of the City Planning Commission that such changes would result in a #publicly accessible open area# or indoor public space that is compliant with the Section under which it was previously approved. As part of the certification, a horizontal #enlargement# on the ground floor level may be permitted along existing #building# walls that face the #publicly accessible open area# and do not face an #arcade#, but such #enlargement# shall not occupy any #publicly accessible open area#. The locational requirements of paragraph (a)(1) of Section [91-831](#) (Ground floor requirements) and the #use# and transparency requirements of Section [91-831](#) for new #building# walls facing a #publicly accessible open area# shall apply. The legal requirements of paragraph (a) of Section [91-836](#) shall apply.

91-84 - Authorizations

LAST AMENDED
6/21/2016

91-841 - Authorization for retail uses within existing arcades

LAST AMENDED
6/21/2016

The City Planning Commission may authorize a horizontal #enlargement# of the ground floor and second floor levels within an #arcade# located within Area B on Map 9 in Appendix A of this Chapter. In order to grant an authorization, the Commission shall find that:

- (a) the requirements of Section [91-831](#) (Ground floor requirements) are met;
- (b) a compensating amenity is provided pursuant to the provisions of Section [91-832](#) for plazas, Section [91-834](#) for indoor public spaces or Section [91-835](#) for alternative improvements;
- (c) sufficient unobstructed space exists adjacent to the proposed #enlargement# to facilitate pedestrian circulation; and
- (d) the #enlargement# will maintain a visual or physical connection to Water Street from another #street#, #public park# or #publicly accessible open area#.

As part of the authorization, the Commission may modify the requirements for the location of new #building# walls of paragraph (a) of Section [91-831](#) (Ground floor requirements).

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section [91-835](#), an improvement to all #publicly accessible open areas# pursuant to the provisions of Section [91-832](#) shall be required as the compensating amenity required by finding (b) of this Section, and a certification for design changes pursuant to Section [37-625](#) shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section [37-625](#) that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to Section [91-83](#) (Retail Uses Within Existing Arcades) or a prior authorization pursuant to this Section may satisfy the requirement of finding (b) of this Section for a compensating amenity.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an #arcade# that did not generate a #floor area# bonus prior to June 21, 2016. The provisions of Section [91-](#)

[831](#) (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an #arcade#. The locational requirements of paragraph (a)(1) of Section [91-831](#) and the frontage prohibitions of paragraph (b)(1)(ii) of Section [91-831](#) shall apply to such #enlargement#. Where the #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section [91-831](#) for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section [91-85](#) shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections [91-83](#) and [91-837](#) (Subsequent design changes) and prior authorizations pursuant to this Section shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the #arcade# remains open and accessible, such remaining #arcade# area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such #arcade# area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section [91-831](#) may apply.

All plans for #arcades#, #publicly accessible open areas#, required open areas and indoor public spaces, 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, in a form satisfactory to the Commission, providing notice of the authorization pursuant to this Section. The filing and recording of such instrument shall be a precondition to the issuance of a building permit. 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. Where a compensating amenity required by paragraph (b) of this Section is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for any #enlargement# unless and until the compensating amenity has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section [91-835](#) (Alternative improvements), the applicable legal requirements of Section [91-836](#) (Additional requirements) shall apply.

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the requirements of paragraph (b) Section [91-836](#) shall apply.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-842 - Authorization to modify design requirements

LAST AMENDED
6/21/2016

The City Planning Commission may authorize a modification of the requirements of Section [91-831](#) (Ground floor requirements), the provisions of Sections [91-832](#) (Plaza improvements) and [91-833](#) (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section [91-834](#) for indoor public spaces. In no event shall an #enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 of Appendix A of this Chapter.

In order to grant such authorization, the Commission shall find:

(a) the location, #use#, access, size and treatment of the #enlargement# would result in a superior urban design relationship

with the surrounding #streets#, #buildings# and open areas;

- (b) the usefulness and attractiveness of the #publicly accessible open area#, required open area or indoor public space will be assured by the proposed layout and design, and that such modification will result in a superior urban design relationship with surrounding #streets#, #buildings# and public open areas; and
- (c) any waiver of required amenities and circulation paths is the minimum necessary to create a better site plan.

The Commission may prescribe appropriate conditions and controls to enhance the relationship between the #enlargement#, #publicly accessible open area#, required open area or indoor public space and the surrounding #streets#, #buildings# and open areas.

91-843 - Authorization to modify requirements for alternative improvements

LAST AMENDED
6/21/2016

The City Planning Commission may authorize an alternative improvement not listed in Section [91-835](#) provided that the Commission finds that the new amenity will better serve the purpose of the Water Street Subdistrict described in Section [91-00](#) (GENERAL PURPOSES).

As a condition of the authorization, for a compensating amenity that is located within a #street# or #public park#, the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Commission, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to the issuance of a building permit. 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 Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-85 - Special Permit for Enlargements of 7,500 Square Feet or Greater

LAST AMENDED 6/21/2016

In addition to any certification pursuant to Section [91-83](#) (Retail Uses Within Existing Arcades), inclusive, or an authorization pursuant to Section [91-841](#) (Authorization for retail uses within existing arcades), the City Planning Commission may permit a horizontal #enlargement# of 7,500 square feet or greater within Areas A or B on Map 9 in Appendix A of this Chapter, provided that the Commission finds that the public amenity or improvement that is provided on the #zoning lot# is of equal or greater benefit to the public than the #arcade# to be eliminated or reduced.

For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by any prior certification pursuant to Section [91-83](#), inclusive, and prior authorizations pursuant to Section [91-841](#) shall be included in such calculation, except the area of an indoor public space provided in accordance with the provision of Section [91-834](#) (Indoor public spaces) shall be excluded from such calculation.

As part of the special permit, the Commission may modify the requirements of Section [91-831](#) (Ground floor requirements), the provisions of Sections [91-832](#) (Plaza improvements) and [91-833](#) (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section [91-834](#) for indoor public spaces. In no event shall an

#enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 in Appendix A of this Chapter.

The Commission may prescribe additional conditions and safeguards to enhance the relationship between the #enlargement# and the surrounding #streets#, #buildings# and public open areas.

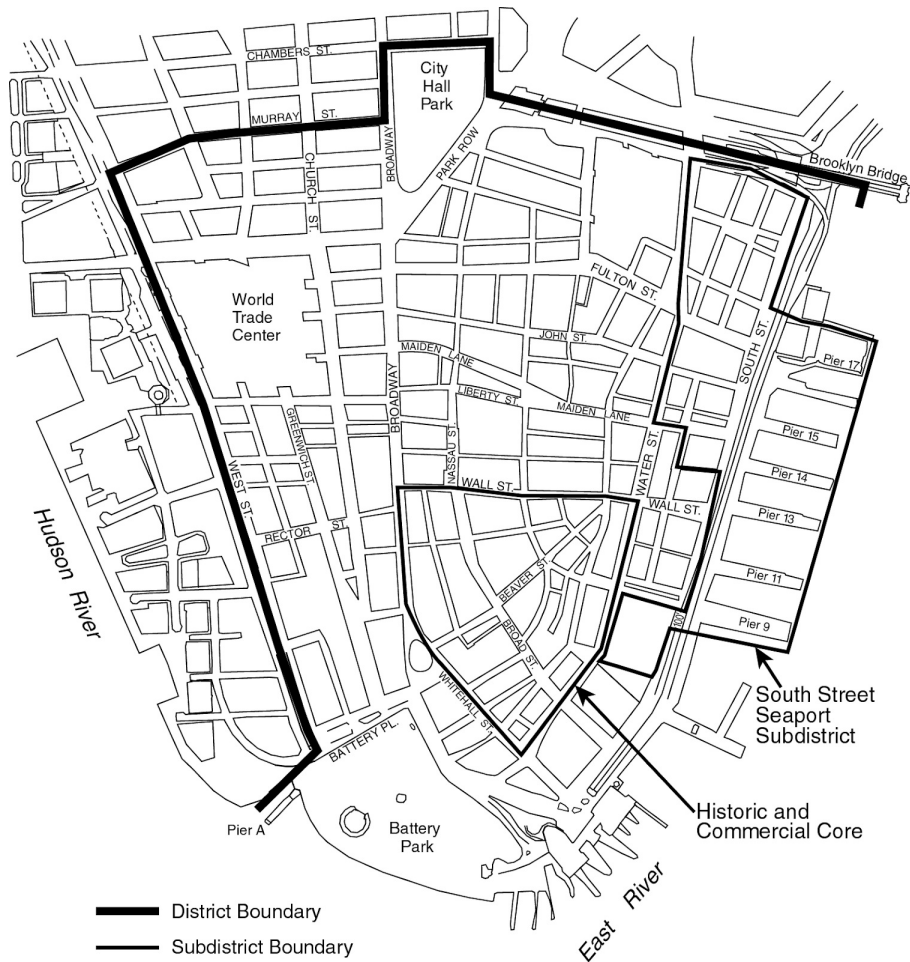
Appendix A - Lower Manhattan District Plan Maps

LAST AMENDED

6/12/2013

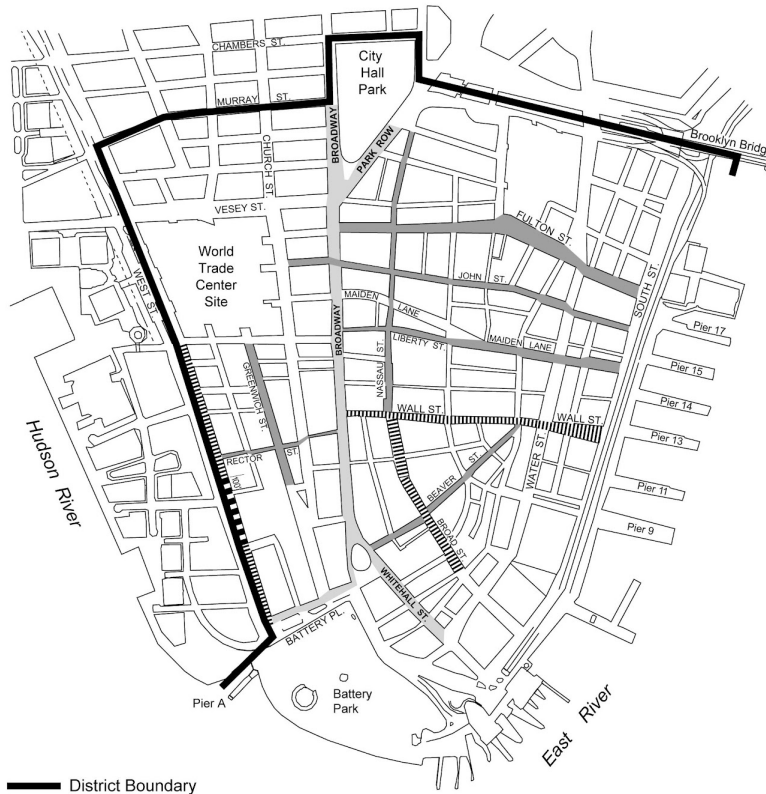
(12/11/01)

Map 1 — Special Lower Manhattan District (91-A1)



(11/15/07)

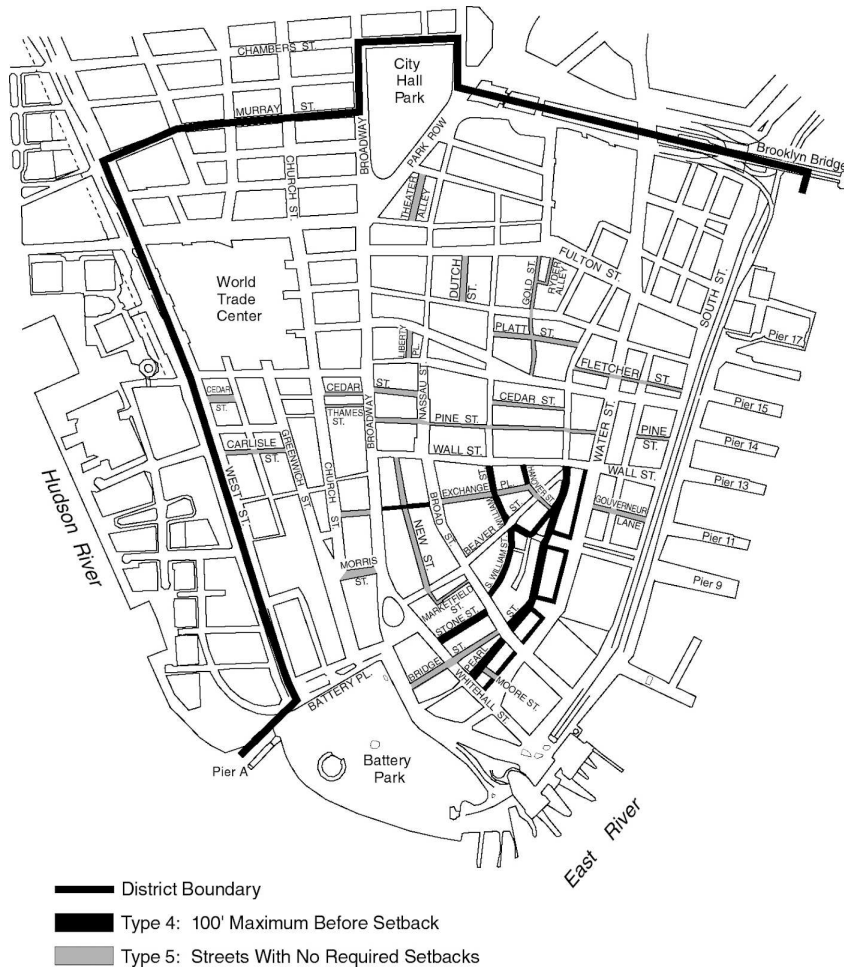
Map 2 — Street Wall Continuity Types 1, 2A, 2B and 3 (91-A2)



- District Boundary
- Type 1: 150' Minimum / 250' Maximum Before Setback
- ||||| Type 2A: 85' Minimum / 150' Maximum Before Setback / 100% Street Wall Continuity Required
- Type 2B: 85' Minimum / 150' Maximum Before Setback / At least 60% Street Wall Continuity Required
- Type 3: 60' Minimum

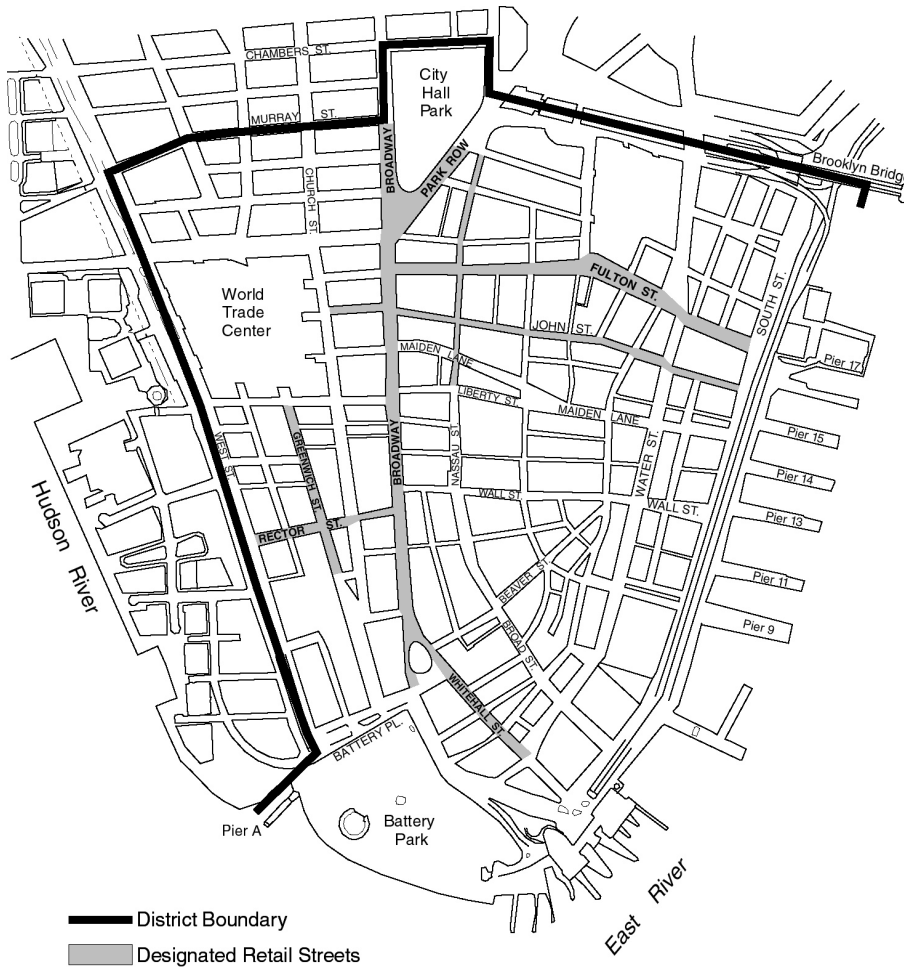
(8/27/98)

Map 3 — Street Wall Continuity Types 4 & 5 (91-A3)



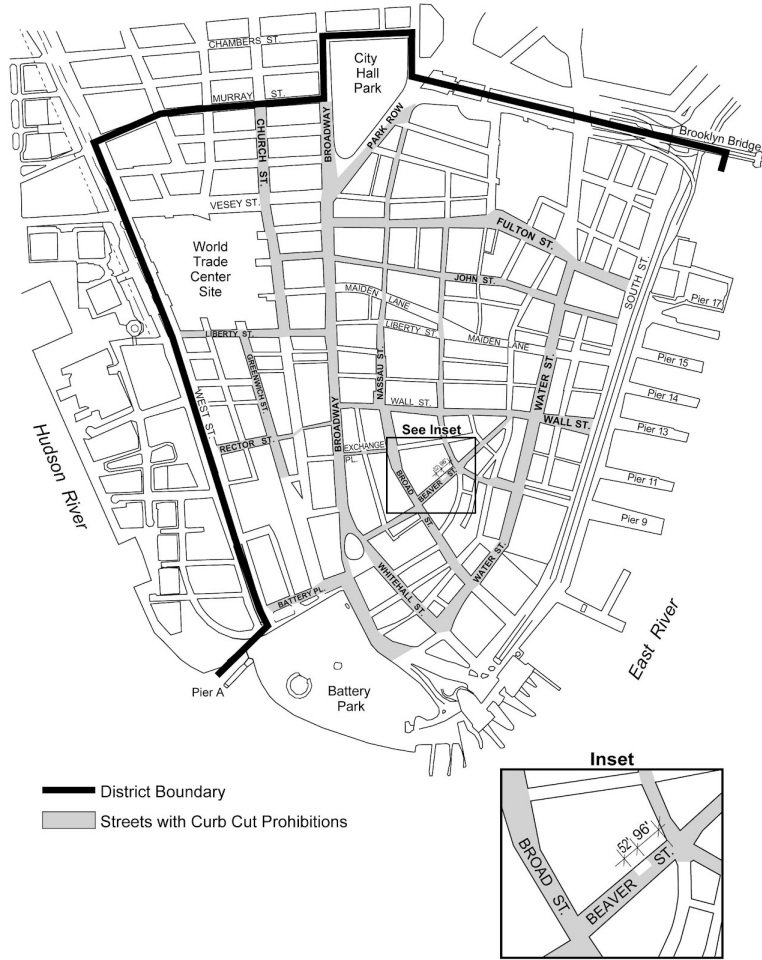
(8/27/98)

Map 4 — Designated Retail Streets (91-A4)



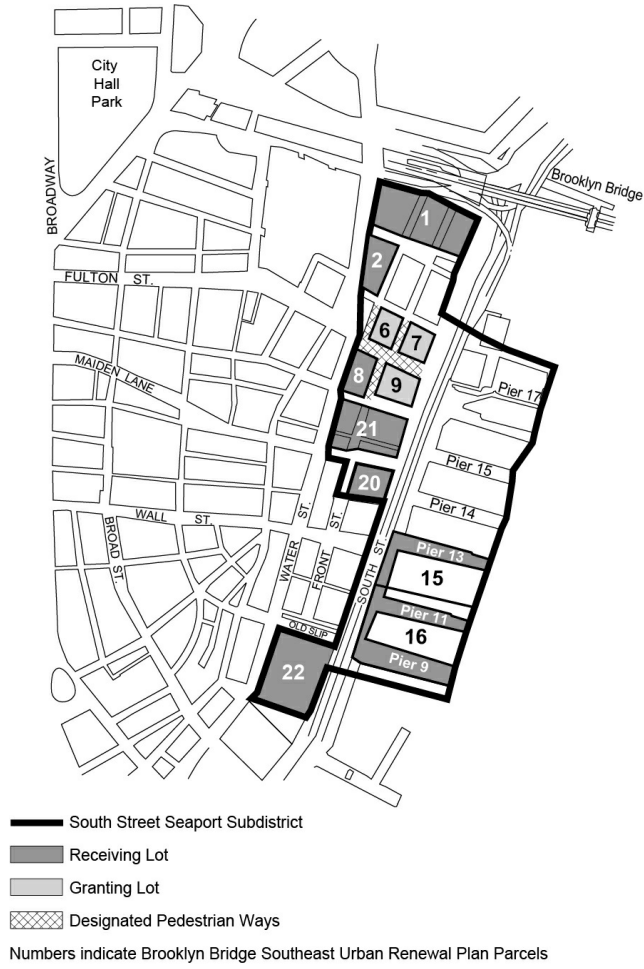
(12/21/09)

Map 5 — Curb Cut Prohibitions (12/21/09) (91-A5)



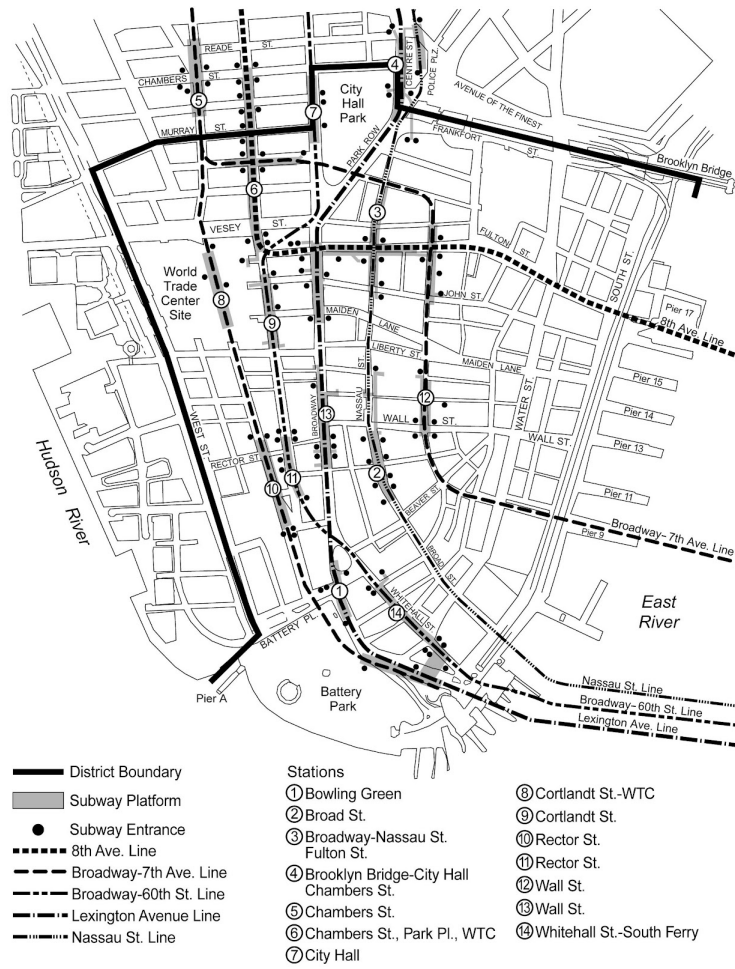
(12/15/21)

Map 6 — South Street Seaport Subdistrict (91-A6)



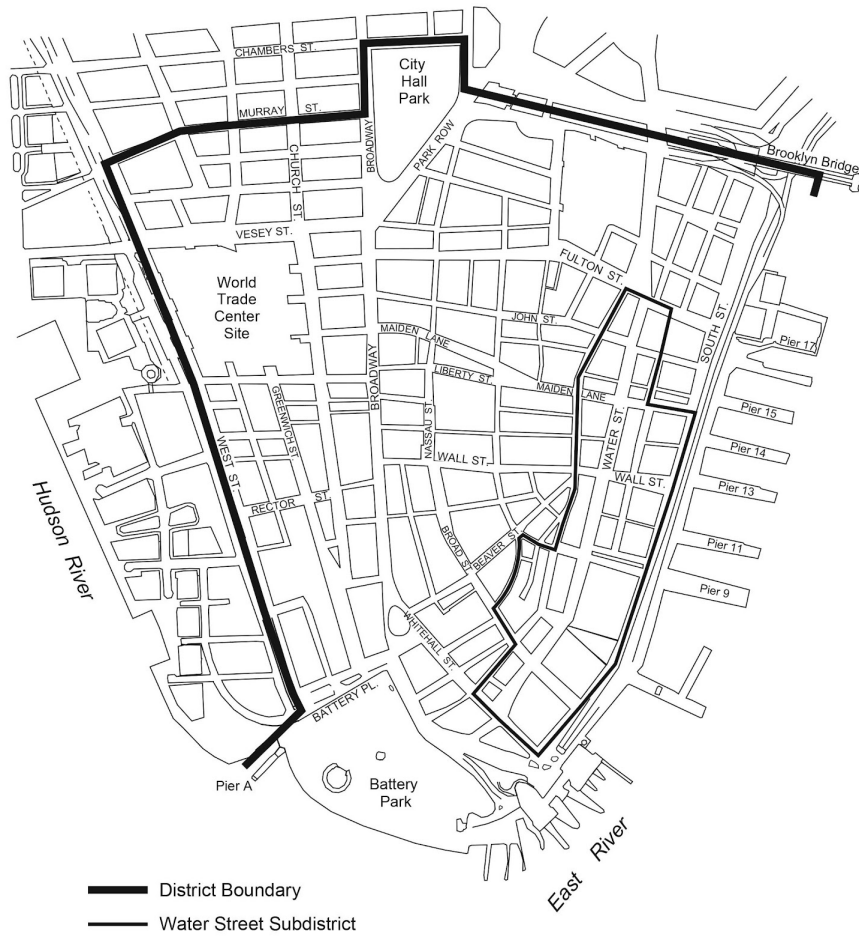
(2/2/11)

Map 7 — Subway Station Improvement Areas (91-A7)



(6/21/16)

Map 8 — Water Street Subdistrict (91-A8)



(6/21/16)

Map 9 — Water Street Subdistrict Arcades (91-A9)





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 2 - Special Park Improvement District (PI)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 2 - Special Park Improvement District (PI)

92-00 - GENERAL PURPOSES

LAST AMENDED

4/23/1973

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

- (a) to preserve and protect the unique character and architectural quality of the residential part of Fifth Avenue and Park Avenue which includes many landmarks and other cultural buildings;
- (b) to provide alternatives to plaza and arcade development along Fifth Avenue and Park Avenue which are redundant in view of the existence of Central Park and the Park Avenue malls;
- (c) to channel private expenditures which would otherwise be spent on redundant facilities into development, beautification and maintenance of proximate public parks and other public areas;
- (d) to encourage the development of buildings compatible with the height of present development; and
- (e) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

92-01 - Definitions

LAST AMENDED

2/2/2011

Development

For purposes of this Chapter a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement# involving an increase in #lot coverage#.

92-02 - General Provisions

LAST AMENDED

10/7/2021

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For the purposes of this Chapter, Duke Ellington Circle, located at the intersection of Fifth Avenue and East 110th Street, shall be considered a separate #street#.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

92-03 - Special Use Regulations

LAST AMENDED
12/11/2001

For any #zoning lot# located between Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Streets:

- (a) #commercial# #uses# shall only be permitted beyond 100 feet of Fifth Avenue and shall be restricted to office #uses# listed in Use Group 6B;
- (b) the underlying district #sign# regulations shall not apply. In lieu thereof, #signs# #accessory# to a #commercial# #use# shall conform with all the #sign# regulations applicable in C1 Districts, except that #illuminated signs# shall not be permitted and, within 100 feet of Fifth Avenue, signs shall conform with the #sign# regulations for #Residence Districts# set forth in Section [22-30](#).

92-04 - Special Bulk Provisions

LAST AMENDED
12/11/2001

92-041 - Maximum Floor Area Ratio

LAST AMENDED
10/7/2021

The maximum #floor area ratio# for any #zoning lot# shall not exceed 10.0. No #floor area# bonuses shall be permitted. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

92-042 - Mandatory front building walls along certain street lines

LAST AMENDED
12/11/2001

- (a) Except as provided in paragraph (b) of this Section, the front #building# wall for all #developments# on #zoning lots# having frontage on Fifth Avenue or Park Avenue and for all #developments# along #street lines# within 50 feet of their intersection with the #street lines# of Fifth Avenue or Park Avenue, shall extend along the full length of its #street line# fronting on such #street# without setback for a height of 125 feet above #curb level# or the full height of the #building#, whichever is less. Above the height of 150 feet above #curb level#, the front #building# wall shall be set back 10 feet from the #street line#. The mandatory front #building# wall requirements are optional for the next 20 feet along the #street line# of a #narrow street# or for the next 75 feet along the #street line# of a #wide street#. However, where the front wall of a #building# with a height less than 125 feet above #curb level# was constructed with a setback from the #street lines#, #enlargement# of such #building# may be permitted by vertical extension of its existing #building# wall.
- (b) For any #zoning lot# having frontage on Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Street, the provisions of this paragraph (b) shall apply. The front #building# wall of any #development# shall extend along the full length of the Fifth Avenue and Duke Ellington Circle #street lines#, and along the full length of the East 109th Street and East 110th Street #street lines# within 50 feet of their intersection with Fifth Avenue and Duke Ellington

Circle, and rise without setback to a minimum height of 85 feet above #curb level# or the full height of the #building#, whichever is less. Above a height of 150 feet, the front #building# wall shall be set back at least 10 feet from such #street lines#. Such mandatory front #building# wall requirements are optional for the next 50 feet along the East 109th Street and East 110th Street #street lines#.

- (c) Front wall recesses are permitted within mandatory front #building# walls for architectural or decorative purposes, provided that the aggregate length at the level of any #story# does not exceed 50 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed six feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Where the aggregate width of balconies located along the front #building# wall, at the level of any #story#, exceeds 20 percent of the length of such front #building# wall, the front #building# wall may be set back not more than three feet from the #street line#.

The underlying district height and setback regulations apply along #street lines#, or portions thereof, not subject to the front #building# wall requirement.

92-043 - Special height limitation

†

LAST AMENDED
12/6/2023

The maximum height of a #building or other structure#, or portion thereof, shall not exceed 19 #stories# or 210 feet above #curb level#, whichever is less. However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Sections [23-62](#), inclusive, or [33-42](#), as applicable.

92-05 - Maximum Number of Accessory Off-street Parking Spaces

LAST AMENDED
5/8/2013

Within the portion of the #Special Park Improvement District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Park Improvement District#, the provisions of this Section shall apply.

In no case shall the number of #accessory# off-street parking spaces for a #residential use# exceed 40 percent of the number of #dwelling units#. In no case shall curb cuts for vehicular access be located on Fifth Avenue or Park Avenue or on a #street# within 50 feet of its intersection with the #street line# of Fifth Avenue or Park Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District. All parking spaces #accessory# to #residences# shall be designed and operated exclusively for the long term storage of the private passenger motor vehicles used by the occupants of such #residences#.

The parking requirements set forth in Sections [25-21](#), [25-31](#), [36-21](#) or [36-31](#) shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 3 - Special Hudson Yards District (HY)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 3 - Special Hudson Yards District (HY)

93-00 - GENERAL PURPOSES

LAST AMENDED

4/14/2010

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

- (a) to facilitate and guide the development of an environmentally beneficial, transit-oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation and avoidance of conflicts with vehicular traffic;
- (b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;
- (c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;
- (d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;
- (e) to preserve the low- and medium-scale residential character of the Hell’s Kitchen area;
- (f) to provide a transition between the Hudson Yards District and the Clinton community to the north;
- (g) to provide a transition between the Hudson Yards District and the Garment Center to the east;
- (h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;
- (i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;
- (j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;
- (k) to provide a transition between the Hudson Yards District and the Hudson River to the west;
- (l) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations;
- (m) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City’s tax revenues; and
- (n) to limit the amount of off-street parking based on regulations that address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit- and pedestrian-oriented neighborhood character.

93-01 - Definitions

LAST AMENDED

ERY Culture, Festival and Exhibit Facility

An “ERY Culture, Festival and Exhibit Facility” is a #use#, operated by a not-for-profit entity, that comprises changing, non-permanent exhibits, events, expositions, presentations, festivals and fairs related to any or all of the following: visual arts, performing arts, culinary arts, literature, journalism, crafts, fashion and design, or any similar artistic activity. No trade shows shall be permitted unless they are related to one of such activities. Any #building# in which an #ERY Culture, Festival and Exhibit Facility# is located may include a moveable portion that may be extended and retracted to cover all or a portion of the Culture Facility Plaza described in Section [23-71](#), paragraph (j).

ERY High Line

For the purpose of this Chapter, the #ERY High Line# shall refer to the portion of the #High Line# between the western #street line# of Tenth Avenue and the western #street line# of Eleventh Avenue north of West 30th Street.

High Line

For the purpose of this Chapter, the “High Line” shall refer to the elevated rail line structure located between Gansevoort Street and West 34th Street in the north-south direction, and between Washington Street and Twelfth Avenue in the east-west direction.

High Line bed

The “High Line bed” is the highest level of the horizontal surface (platform) of the elevated rail line structure of the #High Line#.

High Line Landscape Improvement Deposit

For the purpose of this Chapter, the “High Line Landscape Improvement Deposit” shall be in the amount of \$18,214,507 for the #ERY High Line# and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section [23-71](#), in the amount of \$23,200,228, as adjusted by changes in the construction cost index published by the Engineering News-Record (ENR) for New York City, commencing as of January 2012. Payment of the #High Line Landscape Improvement Deposit# shall be in the form of cash or other form of immediately available funds. The #High Line Landscape Improvement Deposit# shall be held by the City, or an instrumentality of the City, as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the improvement for public use of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

High Line Maintenance Funding

For the purpose of this Chapter, #High Line Maintenance Funding# shall mean funding sufficient for the maintenance and ordinary repair of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in an amount acceptable to the City, as adjusted on an annual basis.

High Line Rehabilitation Deposit

For the purpose of this Chapter, the #High Line Rehabilitation Deposit# shall be in the amount of \$9,580,763 for the #ERY High Line# and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section [93-71](#), in the amount of \$12,203,234, as adjusted by changes in the construction cost index published by the ENR for New York City commencing as of January, 2012. Payment of the #High Line Rehabilitation Deposit# shall be in the form of cash or other form of immediately available funds if plans and specifications for rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed as of the time the #High Line Rehabilitation Deposit# is required, and if such plans and specifications have not been substantially completed at the time the #High Line Rehabilitation Deposit# is required, in the form of cash or a cash equivalent, such as a letter of credit, in a form acceptable to the City. The #High Line Rehabilitation Deposit# shall be held by the City, or an instrumentality of the City, as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

Hudson Yards District Improvement Fund

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

Hudson Yards Redevelopment Area

The “Hudson Yards Redevelopment Area” shall be the areas within the #Special Hudson Yards District#, Subdistrict A-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the center line of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, the area bounded by the westerly side of Eleventh Avenue, the southerly side of West 43rd Street, the westerly side of Twelfth Avenue and the northerly side of West 33rd Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use. Furthermore, the #Hudson Yards Redevelopment Area# shall not include any underground connections from a subway station to any #use# located on such excluded #blocks# or between any such #uses#.

Phase 2 Hudson Boulevard and Park

The “Phase 2 Hudson Boulevard and Park” is the area within the #Special Hudson Yards District# bounded on the north by the center line of West 39th Street, on the east by the eastern boundary of the park located between West 38th and West 39th Streets and the eastern #street line# of Hudson Boulevard East, on the south by the center line of West 36th Street, and on the west by the western #street line# of Hudson Boulevard West and the western boundary of the park located between West 38th and West 39th Streets, as shown on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter.

Tenth Avenue Spur

For the purpose of this Chapter, the #Tenth Avenue Spur# shall refer to the portion of the #High Line# above the intersection of Tenth Avenue and West 30th Street.

93-02 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

93-03 - District Plan and Maps

LAST AMENDED
4/29/2014

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

The District Plan includes the following six maps in Appendix A of this Chapter:

- Map 1 Special Hudson Yards District, Subdistricts and Subareas
- Map 2 Mandatory Ground Floor Retail
- Map 3 Mandatory Street Wall Requirements
- Map 4 Mandatory Sidewalk Widening
- Map 5 Transit Facilities
- Map 6 Sites Where Special Parking Regulations Apply

Subdistrict Plans include the following five maps in Appendix B of this Chapter:

- Map 1 Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan
- Map 2 Subdistrict F: Site Plan
- Map 3 Subdistrict F: Public Access Area Plan
- Map 4 Subdistrict F: Mandatory Ground Floor Requirements
- Map 5 Subdistrict F: Mandatory Street Wall Requirements

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

93-04 - Subdistricts and Subareas

LAST AMENDED

4/29/2014

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

Large-Scale Plan Subdistrict A

Farley Corridor Subdistrict B

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

Eleventh Avenue Subdistrict G

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

Within the Large-Scale Plan Subdistrict A:

Eastern Rail Yard Subarea A1

Four Corners Subarea A2

Subarea A3

Subarea A4

Subarea A5

Within Farley Corridor Subdistrict B:

Western Blocks Subarea B1

Central Blocks Subarea B2

Farley Post Office Subarea B3

Pennsylvania Station Subarea B4

Within Hell's Kitchen Subdistrict D:

Subarea D1

Subarea D2

Subarea D3

Subarea D4

Subarea D5

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

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter. Additional requirements for specific subdistricts, or portions thereof, are outlined in Appendix B of this Chapter.

93-05 - Applicability of District Regulations

LAST AMENDED

1/19/2005

93-051 - Applicability of Article I, Chapter 1

LAST AMENDED

3/28/2012

Within the #Hudson Yards Redevelopment Area#, Section [11-332](#) (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on January 19, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than January 19, 2006.

93-052 - Applicability of Article I, Chapter 3

†

LAST AMENDED

12/6/2023

#Public parking lots# authorized prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistricts F and G.

The following provisions of Article I, Chapter 3, governing #automated parking facilities#, automobile rental establishments, commercial vehicle parking, and off-street loading berths shall apply to Subdistricts A, B, C, D and E, as applicable:

- (a) for #automated parking facilities#, the provisions of paragraph (b) of Section [13-25](#) (Reservoir Spaces), paragraph (b) of Section [13-27](#) (Minimum and Maximum Size of Parking Facilities), paragraph (a)(3) of Section [36-521](#) (Size of spaces), and Section [36-524](#) (Calculating floor area in parking facilities with lift systems, or in automated parking facilities);
- (b) for automobile rental establishments, the provisions of Section [13-15](#) (Permitted Parking for Automobile Rental Establishments), paragraph (b) of Section [13-221](#) (Enclosure and screening requirements), Section [13-241](#) (Location of

curb cuts), paragraph (b) of Section [13-242](#) (Maximum width of curb cuts), paragraph (c) of Section [13-25](#), and paragraph (c) of Section [13-27](#);

- (c) for commercial or public utility vehicle parking, the applicable provisions of Section [36-46](#) (Restrictions on the Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots), inclusive; and
- (d) for off-street loading berths, the provisions of Section [13-30](#), inclusive.

Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section [93-80](#), inclusive.

93-053 - Applicability of Article VII, Chapter 3

LAST AMENDED
1/19/2005

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

- Section [73-16](#) (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section [93-18](#) (Authorization for Electrical Utility Substations)
- Section [73-62](#) (Modification of Bulk Regulations for Buildings Containing Residences)
- Section [73-63](#) (Enlargement of Non-residential Buildings)
- Section [73-64](#) (Modifications for Community Facility Uses).

93-054 - Applicability of Article VII, Chapter 4

LAST AMENDED
4/14/2010

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

- Section [74-61](#) (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section [93-18](#) (Authorization for Electrical Utility Substations)
- Section [74-68](#) (Development Within or Over a Right-of-way or Yards)
- Section [74-72](#) (Bulk Modification)
- Section [74-74](#) (Large-scale General Development) shall be inapplicable in the Large-scale Plan Subdistrict A
- Section [74-831](#) (Court houses)
- Section [74-841](#) (Development in certain Commercial Districts)
- Section [74-852](#) (Height and setback regulations for zoning lots divided by district boundaries)

- Section [74-87](#) (Covered Pedestrian Space)
- Section [74-91](#) (Modification of Public Plazas)
- Section [74-95](#) (Modifications of Housing Quality Special Permits).

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

- Section [74-52](#) (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable to the renewal of City Planning Commission special permits for #public parking lots# and #public parking garages# granted prior to April 14, 2010.
- Section [74-79](#) (Transfer of Development Rights From Landmark Sites) shall apply, except that within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B, such section shall be applicable only for a #development# or #enlargement# that has increased its permitted #floor area ratio# to 15.0 pursuant to Section [93-35](#) (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4). Furthermore, the maximum amount of #floor area# that may be transferred from the #zoning lot# occupied by a landmark #building# may increase the maximum allowable #floor area ratio# within the Pennsylvania Station Subarea B4 to 19.5.
- Section [74-82](#) (Through Block Arcades) shall apply to any #development# or #enlargement# for which a #through block arcade# would not otherwise be permitted pursuant to this Chapter, except that no #floor area# bonus shall be permitted.

93-055 - Modification of use and bulk regulations for zoning lots bounding Hudson Boulevard Park

LAST AMENDED
9/4/2008

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public parks# located between West 35th Street, Hudson Boulevard East, West 33rd Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard West for the purposes of applying all #use# and #bulk# regulations of this Resolution.

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public park# located between West 39th Street, Tenth Avenue, West 38th Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard East and West, as applicable, for the purposes of applying all #use# and #bulk# regulations of this Resolution.

93-06 - Declaration of Restrictions in Subdistrict F

LAST AMENDED
12/21/2009

No building shall be constructed or enlarged within Subdistrict F unless a declaration of

NO BUILDING PERMIT SHALL BE ISSUED FOR ANY #DEVELOPMENT# OR #ENLARGEMENT# WITHIN SUBDISTRICT F UNLESS A DECLARATION OF RESTRICTIONS, IN SUBSTANTIALLY THE FORM REVIEWED BY THE CITY PLANNING COMMISSION PURSUANT TO CEQR NO. 09DCP007M AND REFERENCED IN AND MADE AN EXHIBIT TO THE FINDINGS OF THE COMMISSION PURSUANT TO 6 NYCRR SECTION 617.11 IN CONNECTION WITH ITS ADOPTION OF THE REGULATIONS OF THIS CHAPTER AND AS MODIFIED BY THE CITY COUNCIL, APPLICABLE TO SUBDISTRICT F (AS SUCH DECLARATION MAY BE REVISED PRIOR TO FILING AND RECORDATION IN ACCORDANCE WITH THE PROVISIONS THEREOF APPLICABLE TO AMENDMENTS MADE SUBSEQUENT TO FILING AND RECORDATION), SHALL HAVE BEEN FILED AND DULY RECORDED IN THE BOROUGH OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK AND INDEXED AGAINST ALL PROPERTY INTERESTS IN SUBDISTRICT F PROPOSED FOR #DEVELOPMENT# OR #ENLARGEMENT# PURSUANT TO THIS CHAPTER.

93-10 - USE REGULATIONS

LAST AMENDED
5/31/2012

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

The only permitted change of #use# for the #High Line# shall be to provide publicly accessible open space in accordance with the provisions of Sections [93-71](#) (Public Access Areas in the Eastern Rail Yard Subarea A1) and [93-75](#) (Publicly Accessible Open Spaces in Subdistrict F).

93-101 - ERY Culture, Festival and Exhibit Facility

LAST AMENDED
7/24/2013

For purposes of this Chapter, all references to #community facility#, #community facility use# or #uses# in Use Groups 3 or 4 in connection with Eastern Rail Yard Subarea A1 shall be deemed to include an #ERY Culture, Festival and Exhibit Facility#.

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

LAST AMENDED
1/19/2005

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

93-12 - Special Residential Use Regulations

LAST AMENDED
1/19/2005

93-121 - Restrictions on residential use

LAST AMENDED
1/19/2005

No #residential use# shall be permitted within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

93-122 - Certification for residential use in Subdistricts A, B and E

Within the Large-Scale Plan Subdistrict A, Subareas B1 and B2 of the Farley Corridor Subdistrict B, and the South of Port Authority Subdistrict E, #residential use# shall be permitted only upon certification of the Chairperson of the City Planning Commission that the #zoning lot# on which such #residential use# is located contains the minimum amount of #commercial# #floor area# required before #residential use# is allowed, as specified in Section [93-21](#) (Floor Area Regulations in the Large-Scale Plan Subdistrict A) or [93-22](#) (Floor Area Regulations in Subdistricts B, C, D, E and F), as applicable, and that for #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, a certification pursuant to Section [93-34](#) (Distribution of Floor Area in the Large-Scale Plan Subdistrict A) has been made.

However, special regulations shall apply to #zoning lots# with phased development, as follows:

- (a) except as provided in paragraph (c) of this Section, for #zoning lots# with less than 69,000 square feet of #lot area#, the Chairperson shall allow for phased development, upon certification that a plan has been submitted whereby the ratio of #commercial# #floor area# to #residential# #floor area#, in #buildings# in each phase, is no smaller than the ratio of the minimum amount of #commercial# #floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the #zoning lot# as specified in Section [93-21](#) or [93-22](#), as applicable;
- (b) for #zoning lots# with at least 69,000 square feet of #lot area#, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial# #floor area# required before #residential use# is allowed, as specified in Section [93-21](#) or [93-22](#), as applicable, upon certification that a plan has been submitted whereby one or more regularly shaped portions of the #zoning lot# with a minimum area of 50,000 square feet are reserved for future development of not more than two million square feet of #commercial# #floor area# on each such portion, and that, upon full development of such #zoning lot#, the ratio of #commercial# #floor area# to #residential# #floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor# #area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the #zoning lot#, as specified in Section [93-21](#) or [93-22](#), as applicable; and
- (c) for #zoning lots# with at least 55,000 square feet but less than 69,000 square feet of #lot area# within Subarea A3 of the Large-Scale Plan Subdistrict A, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial# #floor area# required before #residential use# is allowed, as specified in paragraph (a) of Section [93-21](#), upon certification that a plan has been submitted whereby one or more regularly shaped portions of the #zoning lot# with a minimum area of 35,000 square feet are reserved for future development, and that, upon full development of such #zoning lot#, the ratio of #commercial# #floor area# to #residential# #floor area# shall be no smaller than the ratio of the minimum amount of #commercial# #floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the #zoning lot#, as specified in Section [93-21](#).

All #developments# or #enlargements# so certified shall be permitted only in accordance with the provisions of this Chapter.

93-123 - Location of residential use within buildings

The provisions of Section [32-422](#) (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #story# occupied in whole or in part by #dwelling units#. However, such #commercial# #uses# may be located over such a #story# occupied by #dwelling units# by authorization

of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

93-124 - Restrictions on conversions of residential use

LAST AMENDED

2/2/2011

In #Commercial Districts# mapped within R8A Districts, a #residential use# existing on December 21, 2005, within a #story# that has a floor level within five feet of #curb level#, may not be #converted# to a #commercial use#.

93-13 - Special Commercial Use Regulations

LAST AMENDED

1/19/2005

93-131 - Certification for office use

LAST AMENDED

2/2/2011

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

- (a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# in the #Hudson Yards Redevelopment Area# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:
- (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections [23-154](#) (Inclusionary Housing) or [96-25](#) (Floor Area Bonus for New Theater Use); or
 - (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections [23-154](#), [93-30](#) (SPECIAL FLOOR AREA REGULATIONS), inclusive, or [96-25](#), and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

- (b) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet, no building permit from the Department of Buildings shall be issued for any #development# or #enlargement# that includes Use Group 6B offices constructed after January 19, 2005, until the Chairperson certifies to the Commissioner of Buildings that:
- (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections [23-154](#), [93-30](#), inclusive, or [96-25](#); or
 - (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections [23-154](#), [93-30](#),

inclusive, or [96-25](#), and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

However, if such #developments# or #enlargements# fail to comply with the provisions of Section [11-331](#) with respect to completion of foundations within one year of the date of certification pursuant to this Section, such building permit shall lapse, and any new building permit will require a new Chairperson's certification pursuant to this Section.

- (c) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet, and where such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections [23-154](#), [93-30](#), inclusive, or [96-25](#), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission pursuant to Section 93-132.

However, no such authorization shall be required for #developments# or #enlargements# utilizing the Inclusionary Housing Program within the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, or in the 42nd Street Perimeter Area of the #Special Clinton District#, where the total #floor area ratio# for such #developments# or #enlargements# does not exceed 12.0.

93-132 - Authorization for office use

LAST AMENDED
12/21/2009

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

Where the amount of Use Group 6B office #floor area# in a #development# or #enlargement# will result in over 25 million square feet of such #use# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#, and such #development# or #enlargement# utilizes increased #floor area# pursuant to Sections [23-154](#) (Inclusionary Housing), [93-30](#) (SPECIAL FLOOR AREA REGULATIONS), inclusive, or [96-25](#) (Floor Area Bonus for New Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

- (a) such #development# or #enlargement# will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services have been made;
- (b) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby or provisions have been made to handle such traffic; and
- (c) such #development# or #enlargement# is consistent with the goals of the applicable special district.

93-133 - Vehicle storage establishments

LAST AMENDED 10/21/2021

Within Subdistrict G, Use Group 16C commercial or public utility vehicle storage, open or enclosed, including #accessory#

motor fuel pumps shall be permitted as-of-right. The #floor area# of a #building# shall not include floor space used for public utility vehicle storage provided in any #story# located not more than 56 feet above #curb level#.

93-14 - Ground Floor Level Requirements

LAST AMENDED

5/29/2019

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply in Subdistrict G and along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

(a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

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

#Uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to #commercial# #uses# permitted by the underlying district, not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. Such #uses# shall comply with the minimum depth provisions of Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses).

A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, other subway-related #uses# as described in Section [93-65](#) (Transit Facilities), or within the Eastern Rail Yard Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas, pursuant to Section [93-71](#), as follows:

- (1) for #building# walls facing the outdoor plaza described in Section [93-71](#), paragraph (b): the through block connection described in Section [93-71](#), paragraph (d), and the connection to the public plaza described in Section [93-71](#), paragraph (e);
- (2) for #building# walls facing the through block connection described in Section [93-71](#), paragraph (d): the outdoor plaza described in Section [93-71](#), paragraph (b);
- (3) for #building# walls facing the connection to the #public plaza# described in Section [93-71](#), paragraph (e): the outdoor plaza described in Section [93-71](#), paragraph (b) and the public plaza described in Section [93-71](#), paragraph (c); or
- (4) a combination of retail #uses# and public access areas so as to satisfy such depth requirement for retail continuity.

The length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways shall comply with the applicable provisions for Type 2 lobbies in Section [37-33](#) (Maximum Width of Certain Uses), except within the Eastern Rail Yard Subarea A1, where the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less, and within the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, for a #development# occupying a full #block# with frontage on Hudson

Boulevard East and Tenth Avenue and having two million or more square feet of #floor area#, the width of lobbies located on the Hudson Boulevard East #street# frontage or the Tenth Avenue #street# frontage may occupy up to 70 feet of the #building# wall width of the #building# located on each such frontage.

(b) Retail continuity along designated streets in Subdistrict F

Map 4 (Subdistrict F: Mandatory Ground Floor Requirements) in Appendix B specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 70 percent of the #building's# #street# frontage, as indicated for each location on Map 4.

(1) Along Eleventh Avenue

The ground floor retail provisions established in paragraph (a) of this Section shall apply to the ground floor #street# frontage of #buildings# along Eleventh Avenue. In addition, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

(2) Along designated streets other than Eleventh Avenue

In addition to the #uses# listed in paragraph (a) of this Section, the following #community facility uses# from Use Groups 3 and 4 as well as the following #commercial# #use# from Use Group 6B shall be permitted within a #story# that has a floor level within five feet of #curb level# for frontages along designated #streets#, as shown on Map 4, other than Eleventh Avenue.

From Use Group 3:

Art galleries, non-commercial

Libraries

Museums

Nursery, kindergarten, elementary or secondary #schools# (with no living or sleeping accommodations)

From Use Group 4:

Ambulatory diagnostic and treatment health care facilities

Community centers

Houses of worship

Recreation centers, non-commercial

From Use Group 6B:

Veterinary medicine, limited to small animals.

A minimum of 70 percent of the #aggregate width of street wall# shall be occupied by #uses# permitted in this Section. A minimum of 50 percent of the #street# frontage of a #building# shall be allocated exclusively to #uses# listed in paragraph (a) and Use Group 3 #uses# listed in this paragraph, (b)(2). In addition, a maximum of 20 percent of the #street# frontage of a #building# shall be permitted to provide the Use Group 4 and 6B #uses# listed in this paragraph, (b)(2). However, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such #street# frontage shall not

exceed a #street wall# width, in total, of 25 feet.

The remaining portion of the #street wall# may be occupied by #uses# listed in this Section, or by lobby space, mechanical space or entrances to #accessory# parking garages, provided that:

- (i) the maximum width of a single lobby frontage shall comply with the provisions for Type 2 lobbies set forth in Section [37-33](#). A maximum of two such lobbies shall be permitted along a single #street wall# frontage, provided that the minimum distance between such lobbies shall not be less than 120 feet; and
- (ii) the maximum width of a #street wall# occupied by an entrance to #accessory# parking spaces shall not exceed 35 feet.

(c) Transparency requirements along designated streets in Subdistricts A, B, C, D, E and F

For any #development# or ground floor #enlargement# fronting on #streets# designated on Map 2 in Appendix A of this Chapter, glazing shall be provided in accordance with the provisions set forth in paragraph (c) of this Section.

Each ground floor level #street wall# of a #commercial# or #community facility use#, as set forth in this Section, shall be glazed in accordance with Section [37-34](#) (Minimum Transparency Requirements).

For #developments# or #enlargements# fronting upon Hudson Boulevard that are adjacent to existing #buildings# located within the Hudson Boulevard #street# bed or #public park#, the Hudson Boulevard #street wall# of such #development# or #enlargement# shall be designed in a manner that will enable the glazing requirements of this Section to be met upon demolition of the #buildings# within such #street# bed or #public park# and, within six months of such demolition, such glazing requirements shall be complied with.

(d) Non-transparent walls within Subdistrict F

Within Subdistrict F, any non-transparent area of a new or existing wall with a width in excess of 40 feet and a height in excess of five feet fronting upon a public sidewalk or publicly accessible open space shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be required to a height of 15 feet above the level of the public sidewalk or publicly accessible open space, or the height of the wall, whichever is less.

93-141 - Certification to modify ground floor level requirements in Subdistrict F

LAST AMENDED
12/21/2009

Within Subdistrict F, the Chairperson of the City Planning Commission may modify the ground floor level requirements of paragraphs (b), (c) and (d) of Section [93-14](#) (Ground Floor Level Requirements), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is the minimum necessary to accommodate the ventilation requirements of the below-grade rail operations. Any application for such change shall include a mechanical plan that conveys the extent of the needs and required modifications, as well as a letter from the Metropolitan Transportation Authority describing the needs for such modifications.

93-15 - Public Parking Facilities

LAST AMENDED
2/2/2011

In C2-5, C2-8 and C6 Districts, the provisions of Sections [32-17](#) (Use Group 8) and [32-21](#) (Use Group 12) with respect to #public parking garages# and #public parking lots# are inapplicable and are superseded by the provisions of Section [93-80](#) (OFF-STREET PARKING REGULATIONS).

93-16 - Modification of Sign Regulations

LAST AMENDED

4/14/2010

(a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Within the Pennsylvania Station Subarea B4, the provisions of Section [93-161](#) (Special permit for signs within the Pennsylvania Station Subarea) shall apply. The following modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

- (1) #Flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required pursuant to Section [93-71](#).
- (2) For #signs# facing Tenth Avenue, or on a portion of a #building# within 100 feet of Tenth Avenue, in addition to #signs# permitted under the underlying #sign# regulations:
 - (i) up to four #signs# may exceed the maximum height limitations of the underlying #sign# regulations, provided that no such #sign# exceeds 95 feet in height; and
 - (ii) up to five #signs# may be located without regard to the maximum #surface area# limitations of the underlying #sign# regulations, provided that:
 - (a) the aggregate #surface area# of such #signs# does not exceed 4,400 square feet; and
 - (b) each such #sign# shall have a maximum #surface area# of 650 square feet, except for one #sign# that may have a maximum #surface area# of 1,800 square feet.

Any #sign# which exceeds the maximum height permitted by the underlying sign regulations shall direct attention to no more than one business conducted on the #zoning lot# and no such #signs# shall be #flashing signs#. Additionally, no more than two of the additional #signs# permitted under this paragraph (a)(2), if located below the maximum height permitted by the underlying #sign# regulations, shall be #flashing signs#.

Erection of one or both of the additional #flashing signs# permitted under this paragraph (a)(2) shall be conditioned upon and subject to additional limitations upon flashing effects for all #flashing signs# located on a #building# wall facing Tenth Avenue or on a #building# wall within 100 feet of Tenth Avenue, as prescribed by the City Planning Commission pursuant to a restrictive declaration. Recordation of such restrictive declaration in the Office of the Register and compliance with the terms thereof with respect to any previously erected #flashing signs# permitted under the underlying #sign# regulations shall be a precondition to the issuance of permits by the Commissioner of Buildings for an additional #flashing sign# permitted under this paragraph.

- (3) Along the #ERY High Line#, the #sign# regulations as set forth in Section [93-16](#), paragraph (b)(1), shall apply. In addition, no #flashing signs# above the level of the #High Line bed# shall be located within 150 feet of and facing the #ERY High Line#.

(4) For an #ERY Culture, Festival and Exhibit Facility#, the total #surface area# of all permitted #signs# and banners shall be as set forth in this paragraph, (a)(4). The maximum aggregate #surface area# of all #signs# shall not exceed 2,700 square feet. #Signs#, other than banners, facing the outdoor plaza, as described in Section [93-71](#), paragraph (b), shall not exceed a maximum aggregate #surface area# of 200 square feet; #signs# facing the connection to the High Line, as described in Section [93-71](#), paragraph (f), shall not exceed a maximum aggregate #surface area# of 200 square feet; and #signs# facing West 30th Street shall not exceed a maximum aggregate #surface area# of 1,700 square feet. A maximum of 600 square feet of #signs# in the form of banners are permitted facing or within the outdoor plaza. No #sign# shall exceed a height of 30 feet above the level of the Culture Facility Plaza, as described in Section [93-71](#), paragraph (j) and no #signs# facing West 30th Street shall be located at a height above the #High Line#. Banners located within the outdoor plaza may be installed on one or two poles located not less than 13 feet from an #ERY Culture, Festival and Exhibit Facility#. The bottom of any such banner shall be located at least 10 feet above the bottom of the pole. Any #sign# that exceeds 300 square feet of #surface area# shall be non-#illuminated# or a #sign with indirect illumination#.

(b) Subdistrict F

For the purposes of calculating the permitted #surface area# of a #sign#, each site set forth on Map 2 (Subdistrict F: Site Plan) in Appendix B shall be considered a separate #zoning lot#.

(1) Along the #High Line#

The #sign# regulations of the underlying districts shall not apply to #signs# located within 50 feet of the #High Line#, except for #signs# located entirely below the level of the #High Line bed#. In lieu thereof, the #sign# regulations of a C1 District shall apply, except that #accessory# #signs# located within the #High Line# frontage may have a maximum height of 20 feet above the level of the #High Line bed#.

No #signs# affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

- (i) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;
- (ii) provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;
- (iii) be integrated with the design of the #High Line# open space; and
- (iv) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood.

(2) Other locations

Within Subdistrict F, the underlying #sign# regulations shall apply for #signs# located beyond 50 feet of the #High Line#, and for portions of #signs# located entirely below the level of the #High Line bed# along West 30th Street. However, #flashing signs# shall not be permitted in Subdistrict F, except along frontages within 200 feet of the intersection of the West 33rd Street and Eleventh Avenue #street lines#.

93-161 - Special permit for signs within the Pennsylvania Station Subarea

For an arena permitted pursuant to Section [74-41](#) within Pennsylvania Station Subarea B4, the City Planning Commission may, by special permit, modify the applicable provisions of Sections [32-63](#) (Permitted Advertising Signs) to allow advertising #signs#, [32-64](#) (Surface Area and Illumination Provisions) to allow increased #surface area# along specified #streets# and [32-65](#) (Permitted Projection or Height of Signs), provided such #signs# comply with the conditions of paragraph (a) and the findings of paragraph (b) of this Section, as follows:

(a) Conditions

- (1) no #sign# shall extend to a height greater than 85 feet above #curb level# ;
- (2) all #signs# located below a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 550 square feet on the West 31st Street frontage of Subarea B4, 250 square feet on the West 33rd Street frontage of Subarea B4 and 850 square feet on the Eighth Avenue frontage of Subarea B4; and
- (3) all #signs# located above a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 5,500 square feet within the #through lot# fronting on Eighth Avenue, 3,000 square feet within each #corner lot# fronting on Eighth Avenue, 3,000 square feet within the #through lot# portion of the West 31st Street frontage of Subarea B4 and 3,000 square feet within the #through lot# portion of the West 33rd Street frontage of Subarea B4.

(b) The Commission shall find that the location and placement of such #signs# is appropriate in the relationship to #buildings# and #uses# on the #zoning lot# and to adjacent open areas, and would be compatible with the character of the arena site, including its use as an entryway to Pennsylvania Station, and of the surrounding area.

For purposes of calculating the height of any #sign# permitted pursuant to this Section, #curb level# shall be defined as 30.755 feet above Manhattan datum.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on the number, size and location of arena #signs# permitted pursuant to the district regulations.

93-17 - Non-conforming Uses in Large-Scale Plan Subdistrict A

LAST AMENDED

4/29/2014

In the Large-Scale Plan Subdistrict A, for a period of not more than 10 years after January 19, 2005, existing automobile repair establishments listed in Use Group 16 of Section [32-25](#) that were conforming prior to January 19, 2005, may be #enlarged#, provided that the #floor area ratio# of any such establishment, including any #enlargement# pursuant to this Section, does not exceed 5.0.

93-18 - Authorization for Electrical Utility Substations

LAST AMENDED

1/19/2005

Electrical utility substations shall be allowed in the #Special Hudson Yards District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission which shall be issued upon finding, with respect to a proposed site, that:

- (a) to the extent reasonably permitted by the operational needs of the substation, the architectural and landscaping treatment of such #use# will blend harmoniously with the abutting area; and
- (b) if the site proposed for such #use# is Subareas D4 or D5 of the Hell’s Kitchen Subdistrict D of the #Special Hudson Yards District#, that there are difficulties in locating such #use# in other Subdistricts of the #Special Hudson Yards District#.

The Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section which are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substations shall comply therewith.

93-20 - FLOOR AREA REGULATIONS

LAST AMENDED
2/2/2011

The #floor area# regulations of this Section, inclusive, shall apply to #zoning lots#.

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

LAST AMENDED
7/24/2013

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

- (a) Subareas A2 through A5

In Subareas A2 through A5, the basic maximum permitted #floor area ratio# shall be as specified in Row A in the table in this Section. Such #floor area ratio# may be increased to the maximum amount specified in Row B in the table, pursuant to Section [93-31](#) (District Improvement Fund Bonus) or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park# pursuant to Sections [93-32](#) or [93-33](#). For #zoning lots# that have maximized their permitted #floor area# through such #floor area# bonus or transfer provisions, the permitted #floor area# may be further increased to the maximum amount specified in Row C in the table through the distribution of #floor area# from the Eastern Rail Yard Subarea A1, pursuant to Section [93-34](#). #Residential use# shall only be permitted on a #zoning lot# with a non-#residential# #floor area ratio#, as follows, or as provided for phased developments pursuant to Section [93-122](#) (Certification for residential use in Subdistricts A, B and E):

- (1) 18.0 or more in Subareas A2 and A3
- (2) 15.6 or more in Subarea A4
- (3) 14.0 or more in Subarea A5.

MAXIMUM PERMITTED FLOOR AREA RATIO WITHIN SUBAREAS A2 THROUGH A5

	Subarea A2	Subarea A3	Subarea A4	Subarea A5
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ROW A	10.0 total	10.0 total	10.0 total	10.0 total
Basic maximum #floor area ratio# (FAR)	10.0 C 2.0 CF	10.0 C 2.0 CF	10.0 C 2.0 CF	10.0 C 2.0 CF
ROW B	18.0 total	18.0 total	18.0 total	18.0 total
Maximum FAR through bonus pursuant to Section 93-31 or transfer or increase pursuant to Sections 93-32 or 93-33	18.0 C 2.0 CF	18.0 C 2.0 CF	18.0 C 2.4 R 2.0 CF	18.0 C 4.0 R 2.0 CF
ROW C	33.0 total	24.0 total	21.6 total	20.0 total
Maximum FAR through distribution pursuant to Section 93-34	33.0 C 6.0 R 2.0 CF	24.0 C 6.0 R 2.0 CF	21.6 C 6.0 R 2.0 CF	20.0 C 6.0 R 2.0 CF

C = Commercial FAR

CF = Community Facility FAR

R = Residential FAR

(b) Eastern Rail Yard Subarea A1

The Eastern Rail Yard Subarea A1 shall generate a maximum #floor area ratio# of 19.0. The maximum #floor area ratio# for #commercial# #use# shall be 19.0, the maximum #floor area ratio# for #residential use# shall be 3.0, and the maximum #floor area ratio# for #community facility use# shall be 2.0. In order to promote a superior site plan, the amount of #floor area# permitted in the subarea shall be limited, and unused #floor area# may be distributed as follows:

- (1) The maximum #floor area ratio# for any #zoning lot# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial# #use# shall be 9.0, the maximum #floor area ratio# for #community facility use# shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential# #floor area ratio# of 8.0 or more, or as provided for phased developments pursuant to Section [93-122](#) (Certification for residential use in Subdistricts A, B and E).

Any floor space occupied by an #ERY Culture, Festival and Exhibit Facility#, including any floor space #accessory# thereto, that is located below the elevation of the Culture Shed Plaza described in Section [93-71](#), paragraph (j), within the moveable portion that may be extended and retracted to cover and enclose all or any portion of the Culture Facility Plaza, or within a portion of a #building# that contains #residential use# and is not designed to house such moveable portion, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, in a #building# containing both #residential use# and an

#ERY Culture, Festival and Exhibit Facility#, any floor space occupied by elevator shafts, structural systems or stairwells serving the #residential use# that is either located on any #story# occupied entirely by the #ERY Culture, Festival and Exhibit Facility#, except for such elevator shafts, structural systems, and stairwells, or is located on a #story# occupied in part by the #ERY Culture, Festival and Exhibit Facility# where such elevator shaft or stairwell is not accessible for #residential use# on such #story# except for emergency egress, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential uses# and the total maximum #floor area ratio# of the #zoning lot#.

For a #building#, or portion of a #building#, containing #residential use# that is located adjacent to the #ERY High Line#, any floor space used for storage, restrooms, maintenance facilities or other support space for the #ERY High Line# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential# or #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

- (2) Unused #floor area# may be distributed to #zoning lots# in Subareas A2 through A5 pursuant to Section [93-34](#), provided the total amount of distributed #floor area# does not exceed an amount equal to the #lot area# of the Eastern Rail Yard Subarea A1 multiplied by 10.0. Furthermore, the total #floor area# distributed to Subarea A2 shall not exceed 3,238,000 square feet.

(c) #Phase 2 Hudson Boulevard and Park#

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

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

93-22 - Floor Area Regulations in Subdistricts B, C, D, E, F and G

LAST AMENDED
2/2/2011

(a) Subdistricts B, C, D and E

In Subdistricts B, C, D and E, the basic maximum #floor area ratio# is determined by the subdistrict and, where applicable, subarea, as specified in the table in this Section. The basic maximum #floor area ratios# for non-#residential buildings# are set forth in Row A, and the basic maximum #floor area ratios# for #buildings# containing #residences# are set forth in Row B. Such basic maximum #floor area ratios# may be increased to the amount specified in Row C only pursuant to Section [93-31](#) (District Improvement Fund Bonus) or as otherwise specified in Sections [93-221](#) through [93-224](#).

For a #zoning lot# with more than one #building#, the basic maximum #floor area ratios# set forth in Row A shall apply, provided that any #building# that is #developed# or #enlarged# after January 19, 2005, is wholly non-#residential#. If a #building# containing #residences# is #developed# or #enlarged# on such a #zoning lot# after January 19, 2005, the basic maximum #floor area ratios# set forth in Row B shall apply.

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

Maximum Permitted Floor Area Ratio within Subdistricts B through E

	Farley Corridor Subdistrict B				34th St Corridor Sub district C	Hell’s Kitchen Subdistrict D			South of Port Auth. Sub district E
Subarea	Western Blocks	Central Blocks	Farley Post Office	Penn. Stn.		Subarea D1	Subarea D2	Subarea D3	
ROW A Basic maximum FAR for non- #residential buildings#	10.0 total 10.0 C 2.0 CF	12.0 total 12.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 10.0 CF	7.5 total 2.0 C 7.5 CF	7.5 total 2.0 C 7.5 CF	7.5 total 6.0 C 7.5 CF	10.0 total 10.0 C 2.0 CF
ROW B Basic maximum FAR for #buildings# containing #residences#	NA	NA	10.0 total 10.0 C 6.0 R 2.0 CF	NA	6.5 total 6.5 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	7.5 total 6.0 C 7.5 R 7.5 CF	NA

ROW C	21.6 total	19.0 total	NA	19.5 total	13.0 total	15.0 total	13.0 total	12.0 total	18.0 total
Maximum FAR through special #floor area# increases pursuant to Section 93-30 , inclusive, Inclusionary Housing Section 93-23 , inclusive, or Section 74-79 , inclusive, as applicable.	21.6 C	19.0 C		19.5 C	13.0 C	3.0 C	3.0 C	7.5 R	18.0 C
	6.0 R	4.0 R		2.0 CF	12.0 R	12.0 R	12.0 R	7.2 C	3.0 R
	2.0 CF	2.0 CF			12.0 CF	12.0CF	12.0CF	12.0CF	2.0 CF

C = Commercial FAR

CF = Community Facility FAR

R = Residential FAR

(b) Subdistrict F

In Subdistrict F, the #floor area ratio# provisions of Section [93-225](#) (Floor area regulations in Subdistrict F) shall apply.

(c) Subdistrict G

In Subdistrict G, the #floor area ratio# provisions of Section [93-226](#) (Floor area regulations in Subdistrict G) shall apply.

93-221 - Maximum floor area ratio in the Farley Corridor Subdistrict B

LAST AMENDED

4/29/2014

(a) Western Blocks Subarea B1

In the Western Blocks Subarea B1 of Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial# #floor area ratio# of 12.0 or more, or as provided for phased developments in Section [93-122](#) (Certification for residential use in Subdistricts A, B and E).

(b) Central Blocks Subarea B2

In the Central Blocks Subarea B2 of Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial# #floor area ratio# of 15.0 or more, or as provided for phased developments in Section [93-122](#).

(c) Farley Post Office Subarea B3

In the Farley Post Office Subarea B3 of Farley Corridor Subdistrict B, no #floor area# increases shall be permitted.

(d) Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4 of Farley Corridor Subdistrict B, any increase in the #floor area ratio# specified in Row A in the table in Section [93-22](#) shall be permitted only pursuant to Section [93-35](#) (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4) and Section [74-79](#) (Transfer of Development Rights From Landmark Sites), as modified by paragraph (b) of Section [93-054](#) (Applicability of Article VII, Chapter 4).

(e) Transfer of #floor area#

Notwithstanding any other provision of this Resolution, #floor area# may not be transferred between a #zoning lot# located north of West 31st Street in the Western Blocks Subarea B1 and a #zoning lot# located north of West 31st Street in the Central Blocks Subarea B2.

93-222 - Maximum floor area ratio in the 34th Street Corridor Subdistrict C

LAST AMENDED

10/7/2021

In the 34th Street Corridor Subdistrict C, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section [93-22](#) and may be increased to the amount specified in Row C pursuant to Section [93-31](#) (District Improvement Fund Bonus). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, pursuant to Sections [93-31](#) (District Improvement Fund Bonus) and [23-154](#) (Inclusionary Housing), as modified by Section [93-23](#) (Modifications of Inclusionary Housing Program), as follows:

- (a) the #residential# #floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase, pursuant to Section [93-31](#), there is a #floor area# increase of six square feet, pursuant to Section [23-154](#), as modified by Section [93-23](#); and
- (b) any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section [93-31](#).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section [93-22](#) (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

93-223 - Maximum floor area ratio in Hell's Kitchen Subdistrict D

LAST AMENDED

2/2/2011

(a) Subareas D1 and D2

In Subareas D1 and D2 of Hell's Kitchen Subdistrict D, the basic maximum #floor area ratios# of non-#residential

buildings# are set forth in Row A in the table in Section [93-22](#) and may be increased to the amount specified in Row C pursuant to Section [93-31](#) (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section [93-32](#). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 pursuant to Section [93-31](#) (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section [93-32](#), and pursuant to Section [23-154](#) (Inclusionary Housing), as modified by Section [93-23](#), as follows:

The #residential# #floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Sections [93-31](#) or [93-32](#) there is a #floor area# increase of six square feet, pursuant to Section [23-154](#), as modified by Section [93-23](#). Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Sections [93-31](#) or [93-32](#).

Furthermore, in Subarea D1, the #floor area ratio# on a #zoning lot# may exceed 13.0 only where the #community facility# #floor area ratio# is not less than the excess of such #floor area ratio# above 13.0.

(b) Subarea D3

In Subarea D3, the basic maximum #floor area ratio# may be increased only pursuant to Section [93-31](#).

(c) Subareas D4 and D5

In Subareas D4 and D5, the underlying #floor area ratio# regulations shall apply.

(d) Authorization for transfer of #floor area# for public facilities

For any #zoning lot# located partially in Subarea D2 and partially in Subarea D4, where such #zoning lot# is occupied by a #development# or #enlargement# that includes a public facility, the City Planning Commission may authorize modifications to the #street wall# requirements of Subarea D4 and authorize modifications to the provisions of Section [77-22](#) (Floor Area Ratio) in order to allow the transfer of #floor area# from that portion of the #zoning lot# located in Subarea D4 to that portion located in Subarea D2, provided the #floor area ratio# for the #zoning lot# does not exceed the adjusted maximum #floor area ratio# for the #zoning lot# as specified in Section [77-22](#). In order to authorize such modifications, the Commission shall find that:

- (1) such public facility provides a necessary service to the surrounding area;
- (2) such transfer of #floor area# is necessary in order for the #development# or #enlargement# to achieve an adequate separation of #uses# on the #zoning lot#; and
- (3) such transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# to the detriment of occupants of #buildings# on the #block# or surrounding #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the public facility to the local community and the City as a whole.

(e) Authorization for transfer of floor area for public open areas

For #developments# or #enlargements# on #zoning lots# divided by district boundaries that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas contiguous to or over the Lincoln Tunnel Approaches or Dyer Avenue, the Commission may authorize the distribution of #floor area# across such district

boundaries pursuant to Section [93-543](#) (Authorization for the provision of public open areas).

93-224 - Maximum floor area ratio in the South of Port Authority Subdistrict E

LAST AMENDED

10/7/2021

In the South of Port Authority Subdistrict E, #residential use# shall only be permitted as part of a #development# or #enlargement# on a #zoning lot# with a #commercial# #floor area ratio# of 15.0 or more, or as provided for phased #developments# in Section [93-122](#) (Certification for residential use in Subdistricts A, B and E).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section [93-22](#) (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved, prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

93-225 - Floor area regulations in Subdistrict F

LAST AMENDED

2/2/2011

In Subdistrict F, the maximum #floor area ratio# for #residential#, #community facility# and #commercial uses# on a #zoning lot# shall be as follows:

- (a) the maximum #floor area ratio# for #residential uses# shall be 8.0;
- (b) the maximum #floor area ratio# for #community facility uses# shall be 2.0. However, any floor space occupied by a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#;
- (c) the maximum #floor area ratio# for #commercial# #uses# shall be 8.0; and
- (d) the total maximum #floor area ratio# in the subdistrict shall be 10.0, except as modified pursuant to Section [93-23](#) (Modifications of Inclusionary Housing Program).

93-226 - Floor area regulations in Subdistrict G

LAST AMENDED10/21/2021

In Subdistrict G, the basic maximum permitted #floor area ratio# for #residential#, #community facility#, and #commercial# #uses# on a #zoning lot# shall be as follows:

- (a) the maximum #floor area ratio# for #residential uses# shall be 12.0, pursuant to Section [23-154](#) (Inclusionary Housing);
- (b) the maximum #floor area ratio# for #community facility uses# shall be 12.0;
- (c) the maximum #floor area ratio# for #commercial# #uses# shall be 12.0; and

- (d) the total maximum #floor area ratio# shall be 24.0.

93-23 - Modifications of Inclusionary Housing Program

LAST AMENDED

12/20/2018

Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Subdistrict A-2 of the #Special Garment Center District#, shall be #Inclusionary Housing designated areas#, pursuant to Section [12-10](#) (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Sections [23-154](#) (Inclusionary Housing) and [23-90](#) (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts. The underlying provisions of Sections [23-154](#) and [23-90](#) shall only be applicable in Subdistrict F as modified by Section [93-233](#) (Floor area increase for affordable housing in Subdistrict F).

93-231 - Definitions

LAST AMENDED

7/29/2009

For the purposes of this Chapter, matter in italics is defined in Section [12-10](#) or [23-911](#) (General definitions), inclusive.

93-232 - Floor area increase in Subdistricts B, C, D and E, and Special Garment Center District Subdistrict A-2

LAST AMENDED

12/20/2018

Within Subdistricts B, C, D and E, and Subdistrict A-2 of the #Special Garment Center District#, the provisions of Section [23-154](#) (Inclusionary Housing) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section [93-22](#) (Floor Area Regulations in Subdistricts B, C, D, E and F) or [121-41](#) (Maximum Permitted Floor Area Within Subdistrict A-2), the maximum permitted #residential# #floor area ratio# on a #zoning lot# with #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing Program may be increased, as follows:

- (a) The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section [93-22](#), to a maximum of 9.0, provided that:
- (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#; or
 - (2) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential# #floor area# on the #zoning lot#; or
 - (3) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#.
- (b) The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:
- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the

#zoning lot#; or

- (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential# #floor area# on the #zoning lot#; or
- (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#.

For the purposes of this Section, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

93-233 - Floor area increase for affordable housing in Subdistrict F

LAST AMENDED

10/9/2013

The #floor area# of any #building# containing #residences# in Subdistrict F may be increased by up to five percent, and such increase may be in excess of the maximum #floor area ratio# of 8.0 for #residential use#, and the total maximum #floor area ratio# of 10.0, provided that:

- (a) at least 20 percent of the #residential# units in such #building#, inclusive of any #floor area# increase permitted by this Section, shall be occupied by #low income households#, as defined in Section [23-911](#) (General definitions);
- (b) such #building# shall comply with the provisions of:
 - (1) Section [23-953](#) (Additional requirements for compensated developments and MIH developments);
 - (2) Section [23-96](#) (Requirements for Generating Sites or MIH Sites), paragraphs (b) through (i); and;
 - (3) Section [23-961](#) (Additional requirements for rental affordable housing), paragraphs (a) through (d); and
- (c) the sum of all #floor area# increases permitted pursuant to this Section does not exceed 0.4 times the total #lot area# of Subdistrict F.

93-30 - SPECIAL FLOOR AREA REGULATIONS

LAST AMENDED

1/19/2005

93-31 - District Improvement Fund Bonus

LAST AMENDED

12/20/2018

In Subdistrict A-2 of the #Special Garment Center District# and in the #Special Hudson Yards District#, except in Subdistrict F, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections [93-21](#), [93-22](#) or [121-31](#), as applicable, provided that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such

non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

The Commissioner of Buildings shall not authorize the construction of any #development# or #enlargement# utilizing #floor area# bonused pursuant to this Section, including foundations with respect thereto, nor shall the construction of any bonused portion thereof be authorized, until the Chairperson has certified that the requirements of this Section have been met. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such bonused #floor area#, provided that, prior to issuance of such permit, the Chairperson has notified the Commissioner of Buildings in writing of the receipt by the Department of City Planning of either:

- (a) a letter from the applicant for such permit dated no earlier than 30 days prior to issuance thereof, stating whether as of such date the applicant anticipates filing an application to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or Section [23-154](#) (Inclusionary Housing), as modified by Section [93-23](#) (Modifications of Inclusionary Housing Program); or
- (b) an application for a bonus from such applicant to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or Section [23-154](#), as modified by Section [93-23](#).

Copies of letters received from applicants pursuant to paragraph (a) of this Section shall be forwarded by the Department of City Planning to the Community Board and local City Council member, and maintained on file and be available for public inspection at such Department.

The contribution amount shall be \$100 per square foot of #floor area# as of January 19, 2005, and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received, and contributions may be made only on days when the Hudson Yards Infrastructure Corporation (the "Corporation") is open for business and during business hours as specified by the Corporation.

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

For any such adjustment by rule decreasing the contribution amount, or increasing the contribution amount by more than the percentage change in the Consumer Price Index for all urban consumers, the following shall apply:

- (1) Such rule shall be effective for not more than two years; and
- (2) The Commission shall not publish the proposed rule pursuant to the City Administrative Procedure Act unless the City Council Land Use Committee and the Department of City Planning have jointly filed an application for a zoning text amendment under Section 201 of the New York City Charter, which would make such adjustment of the contribution amount permanently effective. The contribution amount established under such rule as finally adopted shall continue in effect with further adjustments based upon the Consumer Price Index for all urban consumers, until the next adjustment of the contribution amount pursuant to this Section.

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

93-32 - Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

LAST AMENDED
6/7/2018

In the #Phase 2 Hudson Boulevard and Park#, no #development# shall be permitted and, except as provided in Section [93-051](#) (Applicability of Article I, Chapter 1), no #building# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and Park# may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section.

For the purposes of this Section, a “granting site” shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a “receiving site” shall mean a #zoning lot#, or portion thereof, within Subareas A2 through A5 of the Large-Scale Plan Subdistrict A or Subareas D1 or D2 of Hell’s Kitchen Subdistrict D, to which #floor area# from a granting site has been transferred.

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

(a) Transfer of floor area by certification

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

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

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

- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section [93-21](#) or [93-22](#), as

applicable. In the event a granting site generates more #floor area# than is permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers pursuant to this Section; and

- (4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in Row B in the table in Section [93-21](#) and Row C in the table in Section [93-22](#), any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section [93-31](#) (District Improvement Fund Bonus), an increase in #floor area# pursuant to paragraph (b) of this Section or Section [93-33](#) (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or the Inclusionary Housing Program pursuant to Section [23-154](#), as modified by Section [93-23](#).

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

Notices of restrictions shall be filed by the owners of the granting site and receiving site in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site which incorporates #floor area# transferred pursuant to this paragraph (a).

(b) Authorization for contribution-in-kind

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

- (1) the conditions for transferring #floor area# set forth in paragraph (a) of this Section have been met as of the date of the authorization or will be met in accordance with agreements or instruments entered into pursuant to paragraph (b)(3) of this Section;
- (2) the granting site will be improved, at the applicant's expense, as a #public park# or #street#, as provided for on the City Map, prior to conveyance to the City; and

- (3) the applicant, or an affiliate of such applicant, has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the improvement of the granting site as a #public park# or #street# pursuant to an agreed-upon construction schedule. The construction schedule may be adjusted from time to time in accordance with the provisions of such agreement or instruments and shall include progress milestones, including the date by which the improvements will be 50 percent complete, and a date by which the improvements will be substantially complete and usable by the public. In the event that the conditions for transferring #floor area# set forth in paragraph (a) of this Section have not been completed as of the date of this authorization, such agreement or instruments shall also provide that such conditions will be met, to the extent applicable, pursuant to an agreed-upon schedule.

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

The Commission shall determine the reasonable cost of such improvement, including any acquisition and site preparation costs, and shall divide this reasonable cost by the contribution amount per square foot of the District Improvement Bonus, as determined pursuant to Section [93-31](#), and in effect on the date of authorization of the contribution-in-kind pursuant to this paragraph (b), in order to determine the amount of increased #floor area# generated by the contribution-in-kind. In making such determination, the Commission may consult with an appraiser or engineer at the applicant's expense. In the event the contribution-in-kind results in an amount of #floor area# in excess of what is permitted on the receiving site, the Commission shall authorize that such excess #floor area# be credited towards future #floor area# increases pursuant to Section [93-31](#).

The owner of the receiving site shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this paragraph (b), and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion until the Chairperson has certified that the improvements are substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement# nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson. A restrictive declaration in a form acceptable to the Chairperson shall be recorded against the receiving site in the Office of the Register of the City of New York in order to implement such restrictions.

An application filed with the Chairperson for the contribution-in-kind pursuant to this paragraph (b) shall be made jointly by the owners or contract vendees of the granting site and receiving site and shall, in all instances, include the party responsible either directly or through its affiliate, for the improvement of the granting site as a #public park# or #street# pursuant to the agreement or instruments entered into pursuant to paragraph (b)(3) of this Section.

Receipt of executed copies of the agreement or instruments required pursuant to paragraph (b)(3) of this Section, and of copies of the recorded restrictive declaration, shall be a precondition to the issuance of a building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site that incorporates a #floor area# bonus granted pursuant to this paragraph (b).

In no event shall a building permit for a #development# or #enlargement# utilizing a #floor area# increase pursuant to this paragraph (b) be granted for the receiving site until the Chairperson provides notice to the Commissioner of Buildings that the applicant, or affiliate responsible for the improvement of the granting site, has provided acceptable evidence of site control for purposes of construction of the improvement.

93-33 - Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park

LAST AMENDED

2/2/2011

Where all of the #lot area# within the following parcels, as they existed on January 19, 2005, that is also within the #Phase 2 Hudson Boulevard and Park#, has been conveyed to the City pursuant to the provisions of Section [93-32](#), the owner of the residual portion of one of these parcels may convey to the City such residual portion, with all development rights appurtenant thereto, provided that all certificates of occupancy have been surrendered and all structures on such parcel have been demolished:

Block 708, Lots 20 and 46

Block 709, Lot 17

Block 710, Lot 20.

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

The maximum amount of #floor area# increase on a receiving site shall be based on an amount not to exceed the #floor area ratio# increase permitted on a #zoning lot# through such contribution pursuant to Sections [93-21](#) or [93-22](#), as applicable. In the event the certified permissible #floor area# increase is greater than that permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# increases on receiving sites pursuant to this Section.

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

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

93-34 - Distribution of Floor Area in the Large-Scale Plan Subdistrict A

LAST AMENDED

2/2/2011

In order to promote a superior site plan in the Eastern Rail Yard Subarea A1 of the Large-Scale Plan Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, the distribution of #floor area# from the Eastern Rail Yard Subarea A1 to #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A. Such distribution shall only be permitted for receiving sites that have maximized their permitted #floor area# through contributions to the #Hudson Yards District Improvement Fund#, pursuant to Section [93-31](#), or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park#, pursuant to Sections [93-32](#) or [93-33](#). For the purposes of this Section, a "receiving site" shall mean a #zoning lot# within Subareas A2 through A5 to which #floor area# from the Eastern Rail

Yard Subarea A1 has been distributed.

(a) Distribution of #floor area# by certification

The Chairperson of the Commission shall allow, by certification, a distribution of #floor area# from the Eastern Rail Yard Subarea A1 to a receiving site provided that:

- (1) The amount of #floor area# distributed does not result in distributions in excess of the maximum amount specified for the applicable #use# that may be distributed from the Eastern Rail Yard Subarea A1, as set forth in paragraph (b)(2) of Section [93-21](#);
- (2) Each distribution, once completed, irrevocably reduces the amount of #floor area# that may be distributed from the Eastern Rail Yard Subarea A1 by the amount of #floor area# distributed; and
- (3) The amount of #floor area# on the receiving site which results from such distribution does not exceed the maximum #floor area ratio# permitted on a #zoning lot# through distribution of #floor area# from the Eastern Rail Yard Subarea A1, as specified in Row C of the table in Section [93-21](#).

(b) Requirements for application

An application filed with the Chairperson of the Commission for the distribution of #floor area# by certification pursuant to paragraph (a) of this Section shall be made jointly by the owner of the development rights of the Eastern Rail Yard Subarea A1 and the receiving site and shall include:

- (1) a site plan and #floor area# zoning calculations for the receiving site; and
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yard Subarea A1.

Such notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yard Subarea A1 and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit for any #development# or #enlargement# utilizing #floor area# distributed pursuant to this Section, including foundations with respect thereto, on the receiving site. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such distributed #floor area#.

93-35 - Special Permit for Transit Bonus in Pennsylvania Station Subarea B4

LAST AMENDED

1/19/2005

In the Pennsylvania Station Subarea B4, for #developments# or #enlargements# that significantly enhance the pedestrian environment and provide improvements to access to public transit facilities, the City Planning Commission may permit a commensurate #floor area# increase for #commercial# #use# above a #floor area ratio# of 10.0 to a maximum #floor area ratio# of 19.5.

(a) The following conditions shall apply:

- (1) the applicant shall submit a plan acceptable to the Commission identifying that portion of the #development# or #enlargement# utilizing such increased #floor area#;

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

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

(b) In order to grant such special permit, the Commission shall find that:

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

In determining the amount of #floor area# bonus, the Commission shall consider the extent to which the transit improvements address each of the above findings.

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

93-40 - HEIGHT AND SETBACK REGULATIONS

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

93-41 - Rooftop Regulations

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LAST AMENDED

12/6/2023

(a) Subdistricts A, B, C, D, E and G

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E and G, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section [23-623](#) (Permitted obstructions in certain districts).

(b) Subdistrict F

In Subdistrict F, the provisions of paragraph (b) of Section [33-42](#) shall apply, except that for towers above a height of 350 feet, in lieu of the provisions of Section [37-20](#) (SPECIAL SCREENING AND ENCLOSURE PROVISIONS), inclusive, the tower top articulation provisions set forth in Section [93-569](#) shall apply.

93-42 - Height and Setback in Subdistricts A, B, C, D, E, F and G

LAST AMENDED

2/2/2011

In Subareas D4 and D5 of the Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply as set forth in Section [93-542](#), as modified by Section [93-41](#) (Rooftop Regulations).

In Subdistricts A, B and C, Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section [93-41](#) and paragraphs (a) through (d) of this Section shall apply. These regulations are further modified in certain locations as set forth in Section [93-50](#) (SPECIAL HEIGHT, SETBACK AND YARD REGULATIONS). The height of all #buildings or other structures# shall be measured from #curb level#.

In Subdistrict F, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section [93-41](#) and Section [93-56](#) (Special Height and Setback Regulations in Subdistrict F) shall apply.

In Subdistrict G, the underlying height and setback regulations and paragraphs (b) through (d) of this Section shall not apply. In lieu thereof, Section [93-57](#) (Special Height and Setback Regulations in Subdistrict G) shall apply.

(a) Maximum base heights

The maximum height of a #building or other structure# before setback shall be 150 feet along a #wide street# and along a #narrow street# within 100 feet of its intersection with a #wide street#, and 90 feet along a #narrow street# beyond 100 feet of its intersection with a #wide street#. For #corner lots# with #wide street# frontage and more than 100 feet of #narrow street# frontage, the maximum #building# height before setback along the #narrow street# may, as an

alternative, be the weighted average of 150 feet for the first 100 feet from the corner, and 90 feet for the remainder of the #narrow street# frontage. Such allowable maximum heights before required setbacks are hereinafter referred to as “maximum base heights.”

(b) Required setbacks

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

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

(c) Tower #lot coverage#

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

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

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

18,501 to 19,999	41
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- (2) Towers that contain only #commercial# or #community facility use#, or a combination thereof, shall occupy not more than 60 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 30,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

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

- (d) Length of #building# wall

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

93-50 - SPECIAL HEIGHT, SETBACK AND YARD REGULATIONS

In Subdistricts A, B and C, and Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the height and setback regulations set forth in paragraphs (a) through (d) of Section [93-42](#) (Height and Setback in Subdistricts A, B, C, D, E, F and G) shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, and minimum and maximum base heights, as shown on Map 3 (Mandatory Street Wall Requirements) of Appendix A of this Chapter. Such modifications also include depths of required setbacks, maximum length of #building# walls for towers, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

(a) Recesses

Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section [93-63](#). Above a height of 60 feet for #buildings# fronting upon 34th Street in Subdistrict C or above a height of 50 feet for #buildings# fronting upon Tenth Avenue in Subdistricts C and D, and up to any specified minimum base height, recesses are permitted provided that the aggregate length of such recesses does not exceed 30 percent of the length of the required #street wall# at any level, and the depth of such recesses does not exceed five feet. No limitations on recesses shall apply above any specified minimum base height or to any portion of a #zoning lot# where #street walls# are not required.

Where #street walls# are required to extend along the entire #street# frontage of a #zoning lot#, no recesses shall be permitted within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except where corner articulation rules apply.

(b) Sidewalk Widenings

Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 in Appendix A of this Chapter. Where sidewalk widening lines are specified, such lines shall be parallel to and five or 10 feet from the #street line#, as required pursuant to Section [93-61](#) and illustrated on Map 4 (Mandatory Sidewalk Widenings) in Appendix A.

In Subdistrict F, the provisions of Section [93-41](#) (Rooftop Regulations) and Section [93-56](#) (Special Height and Setback Regulations in Subdistrict F) shall apply.

In Subdistrict G, the provisions of Sections [93-57](#) (Special Height and Setback Regulations in Subdistrict G) and [93-58](#) (Special Permit for Modification of Height and Setback Regulations) shall apply.

93-51 - Special Height and Setback Regulations in the Large-Scale Plan Subdistrict A

LAST AMENDED
2/2/2011

93-511 - Tower lot coverage

LAST AMENDED 2/2/2011

The tower #lot coverage# requirements of paragraph (a) of Section [93-42](#) shall not apply within the Large Scale Plan Subdistrict

The lower #lot coverage# requirements of paragraph (c) of Section ~~23-42~~ shall not apply within the Large-Scale Plan Subdistrict A.

93-512 - Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A

LAST AMENDED

2/2/2011

(a) Hudson Boulevard

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

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

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

(b) Tenth Avenue

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

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

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

(c) Midblocks

For all #zoning lots# with frontage along the northerly #street lines# of West 35th through West 40th Streets, the #street wall# of any #building# shall be located on and extend along at least 50 percent of the length of the sidewalk widening line of the #zoning lot# and shall rise without setback to a minimum base height of 60 feet and a maximum base height of 120 feet. Above a height of 120 feet, the setback provisions of paragraph (b) of Section [93-42](#) shall apply.

Alternatively, the #street wall# of a #building# may rise without setback at the sidewalk widening line provided the aggregate width of such #street wall# does not exceed 100 feet or 50 percent of the width of such northerly #street line# frontage of the #zoning lot#, whichever is less, and provided all other portions of the #building# that exceed a height of 120 feet comply with the setback provisions of Section [93-42](#). The provisions of this paragraph shall not apply within 100 feet of Eleventh Avenue. However, any #zoning lot# partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this paragraph (c) to the entire West 35th, West 36th, West 37th, West 38th, West 39th or West 40th Street #street# frontage of the #zoning lot#.

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

(d) Rear setback

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

93-513 - Four Corners Subarea A2

LAST AMENDED
2/2/2011

(a) Hudson Boulevard

The provisions of paragraph (a) of Section [93-512](#) (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that the maximum base height shall be 150 feet.

(b) West 34th Street

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

(c) Tenth Avenue

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

(d) Rear setback

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

93-514 - Eastern Rail Yard Subarea A1

LAST AMENDED

7/24/2013

(a) Location of #buildings#

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

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street;
- (3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:
 - (i) such area contains only #uses# in Use Groups 3 and 4; or
 - (ii) where such area includes #residential use#, such #residential use# shall be located only in a #building#, or portion of a #building#, located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include #uses# in Use Groups 3, 4, 6A and 6C. In addition, #uses# in Use Group 3 or 4 may be located in a #building# separate from any #building# containing #residential use#, provided that any such separate #building# may not be located closer than 50 feet east of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West.
- (4) for any #building# located at or above the elevation of the #High Line bed# which faces the #ERY High Line#, the #street wall# shall not be located closer than five feet to the edge of the #ERY High Line# and such five foot separation shall remain unobstructed, from the level of the #High Line bed# adjacent to such #building# to the sky. Notwithstanding the foregoing, for any #building# located partly within 335 feet of the Tenth Avenue #street line#, any portion thereof of up to 280 feet in width, as measured parallel to West 30th Street, may be located above the #High Line bed# at a height of 60 feet or more measured from the #High Line bed#, provided such portion has a maximum width of 200 feet along the West 30th Street #street line# and a maximum average width of 240 feet. Structural columns and related architectural features placed within the maximum width of 200 feet along the West 30th Street #street line# supporting such portion of the #building# may be located within five feet of the southern edge of the #ERY High Line#, and such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 50 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the mean level of the adjoining public sidewalk to a height of 60 feet above the level of the #High Line bed#. A maximum of 30 percent of such measured area may be constructed of opaque materials. Additionally, such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 45 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the level of the #High Line bed# to a height of 25 feet above the level of the #High Line bed#.

(b) Height and setback

No setbacks shall be required for any #building# wall facing Eleventh Avenue, West 30th Street or West 33rd Street. Along Tenth Avenue, a #street wall# with a minimum height of 60 feet is required to extend along at least 70 percent of

the Tenth Avenue frontage of the #zoning lot# not occupied by the public plaza required pursuant to Section [93-71](#). Such #street wall# shall align with any existing #street wall# facing Tenth Avenue. Existing #street walls# shall be treated in a manner that provides for visual articulation.

(c) Length of #building# walls

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

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

LAST AMENDED
2/2/2011

The tower #lot coverage# requirements of paragraph (c) of Section [93-42](#) shall not apply within the Farley Corridor Subdistrict B.

93-521 - 450 West 33rd Street

LAST AMENDED
2/2/2011

The provisions of this Section shall apply within an area bounded by Tenth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

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

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

However, if more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, the reconstructed #buildings# shall not exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#.

93-522 - Ninth Avenue Rail Yard

LAST AMENDED
4/29/2014

The provisions of this Section shall apply within the area bounded by Ninth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

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

No #rear yard# or #rear yard equivalent# regulations shall apply to any #building# #developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section [74-41](#) (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, Dyer Avenue and West 33rd Street.

93-523 - Pennsylvania Station Subarea B4

LAST AMENDED

2/2/2011

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

- (a) A #street wall# shall be provided for the mandatory public space required pursuant to paragraph (a) of Section [93-74](#). Such #street wall# shall extend for at least 100 feet along the Eighth Avenue sidewalk widening line and rise without setback to a minimum height of 60 feet. No portion of such #street wall# shall exceed a height of 150 feet within 15 feet of the Eighth Avenue #street line#. However, such #street wall# may encroach upon the mandatory sidewalk widening provided the height of such #street wall# within the sidewalk widening does not exceed 90 feet.
- (b) In addition to the #street wall# required pursuant to paragraph (a) of this Section, #street walls# shall be provided along at least 35 percent of the Eighth Avenue frontage of the #zoning lot#. Such #street walls# shall be located within 10 feet of the Eighth Avenue #street line# and rise without setback to a minimum height of 90 feet and a maximum height of 150 feet, except that no setbacks shall be required where such #street walls# are located 10 feet from the Eighth Avenue #street line#.
- (c) No #street walls# shall be located further than 10 feet from the Eighth Avenue #street line# unless they front upon a public plaza provided pursuant to paragraph (c) of Section [93-74](#). Along West 31st and West 33rd Streets, any portion of a #street wall# that exceeds a height of 150 feet shall be set back at least 15 feet from the West 31st and West 33rd Street #street lines#, as applicable. As an alternative, if the entire #building# is set back at least 10 feet from the West 31st or West 33rd Street #street line#, such #building# may rise without setback along such #street#.

93-53 - Special Height and Setback Regulations in the 34

LAST AMENDED

2/2/2011

- (a) 34th Street

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

- (b) Tenth Avenue

For #zoning lots# with frontage on Tenth Avenue, the provisions of paragraph (a) of Section [93-541](#) shall apply.

- (c) Midblocks between Eighth Avenue and Ninth Avenue

For #zoning lots# with frontage on West 33rd Street or West 35th Street beyond 100 feet of Eighth Avenue and Ninth Avenue, the #street wall# of any #building# shall be located on and extend along the entire West 33rd Street or West 35th Street frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section [93-42](#) shall apply. The #street wall# of any #building# may rise to a height less than 80 feet, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 80 feet.

93-54 - Special Height and Setback Regulations in Hell's Kitchen Subdistrict D

LAST AMENDED
1/19/2005

93-541 - Height and setback in Subareas D1 and D2

LAST AMENDED
2/2/2011

(a) Tenth Avenue

- (1) For #zoning lots# that do not occupy the entire Tenth Avenue #block# front, and for #zoning lots# that occupy the entire Tenth Avenue #block# front where existing #buildings# containing #residences# will remain, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire Tenth Avenue #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines. Such #street wall# shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet, except that such minimum base height requirement shall not apply to any existing #buildings# containing #residences# to remain. Where such #zoning lots# also front upon a #narrow street#, these provisions shall apply along such #narrow street# frontage for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section [93-42](#) shall apply.
- (2) For #zoning lots# that occupy the entire Tenth Avenue #block# front, and where no existing #buildings# fronting upon Tenth Avenue will remain, the #street wall# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. These provisions shall apply for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue.

Above a height of 150 feet, the setback provisions of paragraph (b) of Section [93-42](#) shall apply. Alternatively, the Tenth Avenue #street wall# may rise above 150 feet without setback, provided that:

- (i) the aggregate width of such #street wall# does not exceed 100 feet;
- (ii) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet;

- (iii) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section [93-42](#); and
- (iv) all portions of the Tenth Avenue #street wall# that do not exceed a height of 90 feet are located 10 feet from the Tenth Avenue #street line#, except that recesses may be provided in accordance with the recess provisions of paragraph (a) of Section [93-50](#). Above a height of 90 feet, up to a height of 150 feet, any #street wall# facing Tenth Avenue shall be located no closer to Tenth Avenue than 10 feet.

(b) Hudson Boulevard

The regulations set forth in paragraph (a) of Section [93-512](#) (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that wherever a setback from the Hudson Boulevard #street line# is required to be at least 25 feet deep, such setback depth may be reduced to 15 feet.

(c) Midblocks between Tenth Avenue and Hudson Boulevard

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

(d) Length of #building# wall

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

(e) Tower #lot coverage#

Where more than one tower on a #zoning lot# contains #residences#, the minimum #lot area# requirement of paragraph (c)(1) of Section [93-42](#) shall not apply to the highest 80 feet of at least half of the number of such towers.

93-542 - Height and setback in Subareas D4 and D5

LAST AMENDED
2/26/2015

In Subareas D4 and D5 of Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section [93-41](#) shall apply;
- (b) within the C2-5 District of Subarea D4, #commercial# #uses# shall be limited to two #stories# or a height of 30 feet, whichever is less;
- (c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation; and
- (d) the regulations set forth in paragraph (d) of Section [23-692](#) (Height limitations for narrow buildings or enlargements) shall be modified to allow portions of #buildings# with #street walls# less than 45 feet in width to reach the height of the tallest #abutting# #building# without regard to the width of the #street# onto which such #building# fronts.

93-543 - Authorization for the provision of public open areas

For #zoning lots# that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas adjacent to or over the Lincoln Tunnel Approaches or Dyer Avenue, the City Planning Commission may authorize height and setback modifications within C2-5 Districts mapped within R8A Districts and the distribution of #floor area# without regard to district boundaries, provided the Commission finds that:

- (a) such publicly accessible open area provides an appropriate amenity to the surrounding area;
- (b) such publicly accessible open area has appropriate access, circulation, landscaping, seating, paving and lighting;
- (c) modifications to the height and setback regulations of C2-5 Districts mapped within R8A Districts result in a #building# that does not exceed a height of 180 feet and is compatible with the scale and character of the surrounding area; and
- (d) all necessary approvals have been granted by the Port Authority, or adequate provision has been made for the receipt of such approvals prior to the issuance of any building permit.

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

Publicly accessible open areas authorized by this Section shall be accessible to the public at all times, except where the Commission has authorized a nighttime closing pursuant to Section [37-727](#) (Hours of access). Furthermore, such open areas shall comply with the requirements for #public plazas# set forth in Sections [37-744](#) (Litter receptacles), [37-75](#) (Signs), [37-77](#) (Maintenance) and paragraph (a) of Section [37-78](#) (Compliance).

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

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

93-55 - Special Height and Setback Regulations in the South of Port Authority Subdistrict E

†

(a) #Zoning lots# with Eighth Avenue frontage

For #zoning lots# with frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the Eighth Avenue sidewalk widening line and, where applicable, on the West 39th Street and West 40th Street #street lines#, and extend along the entire #street# frontage of the #zoning lot#. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. The #street wall# of any #building# may rise to a height less than 90 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 90 feet.

Above a height of 120 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Street, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance, except as provided below:

- (1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Sections [33-45](#) or [35-64](#), as applicable, may penetrate the #sky exposure plane#;
- (2) permitted obstructions, as listed in paragraph (a) of Section [93-41](#), may penetrate the #sky exposure plane#. In addition, a dormer, as listed in paragraph (c)(1) of Section [23-623](#), may penetrate the #sky exposure plane#.

(b) #Zoning lots# without Eighth Avenue frontage

For #zoning lots# without frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street walls# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section [93-42](#) shall apply. The #street wall# of any #building# may rise to a height less than 80 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 80 feet.

93-56 - Special Height and Setback Regulations in Subdistrict F

LAST AMENDED
4/29/2014

The height and setback regulations set forth in this Section, inclusive, shall apply to specific development sites identified as Sites 1 through 6 on Map 2 (Subdistrict F: Site Plan) in Appendix B. All #buildings or other structures# #developed# or #enlarged# within Subdistrict F, with the exception of those approved as part of a public access area pursuant to Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F), shall occur within these designated site locations. However, portions of a #building# located entirely below grade, and exempt from the definition of #floor area#, shall be permitted to extend beyond such designated site locations. Furthermore, the boundary of Site 6 may be extended in a westerly direction, by up to 40 feet, to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section [93-568](#) (Site 6).

Map 4 (Mandatory Sidewalk Widening) in Appendix A identifies the location of a sidewalk widening required along Eleventh Avenue that is referenced in this Section, inclusive. Regulations governing the design of this sidewalk widening are set forth in Section [93-61](#).

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B identifies the location of publicly accessible open spaces, private streets and pedestrian ways that are referenced in this Section.

Publicly accessible open spaces are comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection and the #High Line#. General rules governing such publicly accessible open spaces are set forth in Section [93-75](#) (Publicly Accessible Open Spaces in Subdistrict F).

Publicly accessible private streets are comprised of the West 32nd Street Extension (including the Allee, as defined in paragraph (c)(2) of Section [93-761](#) and shown on Map 3 in Appendix B) and the West 31st Street Extension. Publicly accessible pedestrian ways are comprised of the West 30th Street Corridor, and the Connector. General rules governing such private streets and pedestrian ways are set forth in Section [93-76](#) (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

For the purposes of applying height and setback regulations, the term “#buildings#” shall include #buildings or other structures#.

93-561 - General rules for Subdistrict F

LAST AMENDED

4/29/2014

The following regulations shall apply to all #buildings# within Sites 1 through 6:

(a) #Street wall# location

For the purposes of applying the height and setback regulations of this Section, inclusive, wherever a #building# fronts upon any publicly accessible open space, private street or pedestrian way, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B, the boundary of such publicly accessible open spaces, private streets or pedestrian ways shall be considered to be a #street line#. Furthermore, for the purposes of applying such height and setback regulations, the sidewalk widening line required along Eleventh Avenue shall be considered the Eleventh Avenue #street line#.

Wherever a #building# on Sites 1, 5 or 6 faces the #High Line#, the #street wall# shall not be located closer than five feet to the edge of the #High Line#, as shown on Map 3. Such five foot separation shall remain unobstructed, from the level of finished grade adjacent to a #building#, to the sky, except as permitted:

- (1) for that portion of a #building# on Site 5 located above a height of 50 feet as measured from the #High Line bed#, pursuant to Section [93-567](#) (Site 5);
- (2) for that portion of a #building# on Site 6 located below the #High Line#, pursuant to Section [93-568](#) (Site 6);
and
- (3) pursuant to paragraph (d) of Section [93-756](#) (General requirements for the High Line).

(b) Measurement of #building# heights

- (1) Measurement of #building# base and transition heights

For portions of a #building# that front upon a publicly accessible sidewalk, the maximum #building# base height and, where applicable, the maximum transition height of a #street wall#, shall be measured from the mean level of the public sidewalk that such #street wall# fronts upon. For portions of a #building# that front upon

publicly accessible open spaces in which no sidewalks are provided adjacent to a #street wall#, the maximum #building# base height or, where applicable, the maximum transition height of a #street wall#, shall be measured from the mean level of the final grade of the open space that such #street wall# fronts upon. However, the following #street wall# heights shall be measured from the #High Line bed#:

- (i) on Site 6, the portion of a #street wall# above the #High Line bed# facing the #High Line# beyond 60 feet of Eleventh Avenue; and
 - (ii) on Site 6, along the Southwest Open Space within 60 feet of the #High Line#.
- (2) Measurement of tower heights

The height of a tower shall be measured from the highest level of the public sidewalk or finished grade located nearest such tower, to the ceiling of the highest #story# of the tower where #floor area# occupies more than 75 percent of the gross area of such #story#. However, on Site 5, the height of the tower shall be measured from the #High Line bed#.

Where minimum height differences are required between towers, such heights, for each tower, shall be measured from the Manhattan Datum, which is 2.75 feet above sea level.

(c) Towers

Criteria for towers on Sites 1 through 6 are set forth in this Section, inclusive. The minimum distance between all such towers shall be 60 feet.

93-562 - Street wall regulations for certain streets

LAST AMENDED
4/29/2014

The locations of all #street walls# identified in this Section are shown on Map 5 (Subdistrict F: Mandatory Street Wall Requirements) in Appendix B.

(a) Applicability

The provisions of this Section shall apply to:

- (1) All #street walls# of #buildings# on Site 1 that front along:
 - (i) the West 32nd Street Extension;
 - (ii) the Western Open Space within 60 feet of the West 32nd Street Extension; and
 - (iii) the Midblock Connection within 60 feet of the West 32nd Street Extension.
- (2) All #street walls# of #buildings# on Site 2 that front along:
 - (i) Eleventh Avenue south of the Northeast Plaza;
 - (ii) the West 32nd Street Extension; and
 - (iii) the Midblock Connection within 60 feet of the West 32nd Street Extension.

- (3) All #street walls# of a #building# on Site 4 that front along:
- (i) Eleventh Avenue;
 - (ii) the West 32nd Street Extension within 50 feet of Eleventh Avenue; and
 - (iii) the West 31st Street Extension within 50 feet of Eleventh Avenue.

- (4) All #street walls# of a #building# on Site 6 that front along:
- (i) Eleventh Avenue five feet north of the #High Line#;
 - (ii) the West 31st Street Extension;
 - (iii) the #High Line#, completely above the #High Line bed#;
 - (iv) the Southwest Open Space within 60 feet of the #High Line#; and
 - (v) the Southwest Open Space within 60 feet of the West 31st Street Extension.

(b) #Street wall# location

All #street walls# identified in paragraph (a) of this Section shall be located on the #street line#.

All such #street walls# shall extend along the entire #street# frontage of the site or the required portion identified in paragraph (a). However, such #street wall# location rules may be modified in accordance with the recess provisions of paragraph (c) of this Section.

(c) Recesses

- (1) Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances;
- (2) To allow for corner articulation, the required #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines;
- (3) To ensure variation in the required #street wall#, a #building# shall provide recesses or ground floor level setbacks in accordance with the following provisions:
 - (i) A minimum of 20 percent of the #aggregate width of street walls# shall provide a minimum recess of three feet from the #street wall# above the level of the second #story#. However, for the portion of Site 6 that fronts along the #High Line#, such recess shall be provided above the level of the first #story#. However, no portion of such recess shall be located within 30 feet of the intersection of two #street lines#, except where corner articulation is provided in accordance with paragraph (c)(2) of this Section.
 - (ii) A maximum of 30 percent, or 50 percent for Site 4, of the #aggregate width of street walls# may provide a recess of up to 15 feet at any level, which may extend to the height of the #building# base and may allow for portions of towers to rise without setback from the ground floor level. However, no such setbacks shall be permitted within 30 feet of the intersection of two #street lines#, except where corner articulation is provided in accordance with paragraph (c)(2) of this Section.

93-563 - Site 1

In addition to the applicable requirements set forth in Section [93-562](#) (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 1.

(a) #Building# base

(1) Facing West 33rd Street

The #street wall# of the #building# facing West 33rd Street may rise without setback to a maximum base height of 120 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

(2) Facing the West 32nd Street Extension

The provisions of this paragraph, (a)(2), shall apply to #street walls# facing the West 32nd Street Extension, the Western Open Space and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum base height of 60 feet and a maximum base height of 90 feet.

(3) Facing the Western Open Space

The provisions of this paragraph, (a)(3), shall apply to #street walls# facing the Western Open Space beyond 60 feet of its intersection with the West 32nd Street Extension. The #street wall# of the #building# may rise without setback to a maximum base height of 90 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

(b) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (a) of this Section shall be set back in accordance with the provisions of this paragraph (b), except that where towers are provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the tower provisions of paragraph (c) of this Section.

Portions of a transition height facing West 33rd Street shall be set back from the West 33rd Street #street line# a minimum of 20 feet. Portions of a transition height facing the Western Open Space that exceed the maximum base height shall be set back from the #street wall# of a #building# facing the Western Open Space a minimum of 30 feet. However, in both cases, no such setback shall be required within 150 feet of Twelfth Avenue.

Above the maximum base height, a #street wall# may rise to a maximum transition height equal to one-half the height of the #street wall# of the #building# base facing the Western Open Space. Such a transition height shall not exceed a maximum height of 135 feet.

All portions of a #building# that exceed the maximum transition height shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum transition height shall be considered a "tower" and shall comply with the provisions of this paragraph (c).

(1) Required setbacks

All towers, or portions of a transition height located beneath a tower, shall be set back at least 15 feet from the #street line# of West 33rd Street and from the #street walls# of the #building# facing the West 32nd Street Extension, except that the depth of such setback distance may include the depth of any permitted recesses. However, no setbacks shall be required within 150 feet of Twelfth Avenue, along the Western Open Space or along the Midblock Connection to allow portions of towers that comply with the provisions of paragraphs (c) (2) and (c)(3) of this Section to rise without setback.

(2) Maximum floor plate

If more than one tower is provided on Site 1, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(3) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 110 feet and the north-south dimension shall not exceed a length of 160 feet. Where more than one tower is located on Site 1, each tower shall comply independently with such maximum dimensions.

If more than one tower is located on Site 1, the height of the easternmost tower shall be a minimum of 100 feet greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section [93-569](#) (Tower top articulation).

93-564 - Site 2

LAST AMENDED
2/2/2011

In addition to the applicable requirements set forth in Section [93-562](#) (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 2.

(a) #Building# base

(1) Facing Eleventh Avenue

The provisions of this paragraph (a)(1) shall apply to #street walls# facing Eleventh Avenue (exclusive of #street walls# facing the Northeast Plaza, which need not set back), and the West 32nd Street Extension within 60 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 120 feet and a maximum height of 150 feet. Above a height of 150 feet, all portions of such #building# shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. These #building# base provisions may apply along the West 32nd Street Extension #street line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(2) Facing the West 32nd Street Extension

The provisions of this paragraph (a)(2) shall apply to #street walls# facing the West 32nd Street Extension

beyond 60 feet of Eleventh Avenue (or beyond 100 feet if the optional #building# base provisions of paragraph (a)(1) of this Section are applied along the West 32nd Street Extension), and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of such #buildings# facing the West 32nd Street Extension shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Midblock Connection within 60 feet of the West 32nd Street Extension need not set back above the maximum base height to allow tower portions that comply with the provisions of paragraph (b) of this Section to rise without setback.

(3) Facing West 33rd Street

#Street walls# facing West 33rd Street (exclusive of the Northeast Plaza) may rise without setback to a maximum base height of 150 feet. Above a height of 150 feet, setbacks shall be required as follows:

- (i) portions of a #building# facing West 33rd Street within 150 feet of the Eleventh Avenue #street line# shall provide a 15 foot setback from the #street line# of West 33rd Street;
- (ii) portions of a #building# beyond 150 feet of Eleventh Avenue that do not exceed an #aggregate width of street wall# of 150 feet, as measured along the West 33rd Street #street line#, shall be permitted to rise without setback; and
- (iii) portions of a #building# located beyond 150 feet of Eleventh Avenue that exceed the #aggregate width of street wall# of 150 feet, as measured along the West 33rd Street #street line#, shall be set back a minimum of 15 feet from the #street line# of West 33rd Street.

All portions of a #building# that exceed a height of 150 feet shall comply with the tower provisions of paragraph (b) of this Section.

(b) Towers

All #stories# of a #building# located partially or wholly above a height of 150 feet shall be considered a tower and shall comply with the provisions of this paragraph, (b). Not more than one tower shall be allowed on Site 2.

(1) Maximum floor plate

The gross area of any tower #story# shall not exceed 40,000 square feet.

(2) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 250 feet.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section [93-569](#) (Tower top articulation).

93-565 - Site 3

LAST AMENDED
4/29/2014

The regulations of this Section shall apply to all #buildings# within Site 3.

All #stories# of a #building# located wholly or partially above the highest level of the adjoining public sidewalk or finished grade on Site 3 shall be considered a tower and shall comply with the provisions of this Section. Not more than one tower shall be permitted on Site 3.

(a) Ground floor

A maximum of 6,000 square feet of the ground floor shall be permitted to provide #residential uses#. The remaining portion of the ground floor shall provide an area that is accessible to the surrounding publicly accessible open spaces listed in Section [93-75](#) (Publicly Accessible Open Spaces in Subdistrict F). Such space may provide ground floor #uses# pursuant to Section [93-14](#) (Ground Floor Level Requirements), or may be considered part of the Central Open Space and comply with the regulations set forth in Section [93-75](#).

If such remaining ground floor level space provides ground floor #uses# pursuant to the requirements of paragraph (b) (2) of Section [93-14](#), such #uses# shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

If such remaining ground floor level space is considered part of the Central Open Space, such space may be open or enclosed. An open space provided pursuant to this paragraph (a) shall have a clear height of at least 40 feet measured from the level of an adjoining finished grade or sidewalk. An enclosed publicly accessible space provided pursuant to this paragraph (a) shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

(b) Maximum floor plate

The gross area of any #story# of a tower on Site 3 shall not exceed 12,000 square feet.

(c) Maximum length and height

The maximum horizontal dimension of a tower, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 3 rectangle in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower within Site 3 shall be a minimum of 100 feet taller than the tower height of Site 5.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section [93-569](#) (Tower top articulation).

93-566 - Site 4

LAST AMENDED
4/29/2014

In addition to the applicable requirements set forth in Section [93-562](#) (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 4.

(a) Street wall location along West 31st and West 32nd Street Extensions

Any portion of a #street wall# facing the West 32nd Street Extension within 100 feet of Eleventh Avenue shall be set back at least 15 feet from the West 32nd Street Extension #street line#, which shall coincide with the northern edge of the Site 4 boundary. Any portion of a #street wall# facing the West 32nd Street Extension that extends beyond 100 feet of Eleventh Avenue, as measured along the West 32nd Street Extension #street line#, shall be set back at least 30 feet from the West 32nd Street Extension #street line#. Any portion of a #street wall# facing the West 31st Street Extension that extends beyond 100 feet of Eleventh Avenue, as measured along the West 31st Street Extension #street line#, shall be set back at least 15 feet from the West 31st Street Extension #street line#.

(b) #Building# base facing Eleventh Avenue

The provisions of this paragraph (b) shall apply to #street walls# below a height of 120 feet facing Eleventh Avenue and the West 31st and West 32nd Street Extensions within 50 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of a #building# facing Eleventh Avenue shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the West 31st and West 32nd Street Extensions within 50 feet of Eleventh Avenue need not set back above the maximum base height to allow tower portions that comply with the provisions of paragraph (c) of this Section to rise without setback.

All portions of a #building# that exceed the maximum base height of 120 feet shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum base height of 120 feet shall be considered a tower and shall comply with the provisions of this paragraph (c). Not more than one tower shall be permitted on Site 4.

(1) Maximum floor plate

The gross area of any such #story# shall not exceed 12,000 square feet.

(2) Maximum length and height

For any portion of a tower above 120 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 4 rectangle, in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower on Site 4 shall be a minimum of 100 feet taller than any tower located on Site 3.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section [93-569](#) (Tower top articulation).

93-567 - Site 5

LAST AMENDED
4/29/2014

All #stories# of a #building# located wholly or partially above finished grade on Site 5 shall be considered a tower and shall

comply with the provisions of this Section.

On Site 5, a #building# may be located adjacent to and above the #High Line#, provided no portion of such #building# or an associated structural column is located within five feet of the edge of the #High Line# from the level of finished grade to a level of 50 feet above the level of the #High Line bed#, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(a) Maximum floor plate

The gross area of any #story# within that portion of a #building or other structure# located east of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 5,000 square feet.

The aggregate gross area of any portion of a #building or other structure# located west of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 700 square feet, and the maximum aggregate horizontal dimension of such portions, individually measured in their longest dimension, shall not exceed 30 feet.

The gross area of any #story# within that portion of a tower located above a height of 50 feet above the #High Line bed# shall not exceed 12,000 square feet.

(b) Maximum length and height

At or below a height of 50 feet above the #High Line bed#, if a #building# is located so that it has portions on both sides of the #High Line#, the minimum horizontal dimension, measured in any direction between such portions shall be 60 feet.

For that portion of a tower located above a height of 50 feet above the #High Line bed#, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 5 rectangle, in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet. Furthermore, the maximum horizontal dimension for that portion of a tower that spans the #High Line#, measured in any direction, shall not exceed 120 feet.

The maximum height of a tower on Site 5 shall be 350 feet.

93-568 - Site 6

LAST AMENDED
4/29/2014

In addition to the applicable requirements set forth in Section [93-562](#) (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 6.

(a) Height and setback regulations

(1) #Street wall# beneath the #High Line#

The provisions of this paragraph (a) shall apply to #street walls# on Site 6 beneath the #High Line# that face

West 30th Street, Eleventh Avenue and the Southwest Open Space.

All such #street walls# shall extend along the entire #street# frontage of the site, except that along West 30th Street, the #street wall# shall be no closer to the northerly #street line# of West 30th Street than the northerly edge of the southern row of structural columns of the #High Line#, and along the Southwest Open Space and Eleventh Avenue, the #street wall# shall extend to a point five feet north of the #High Line#. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances.

All such #street walls# shall rise without setback to a maximum height of the underside of the #High Line bed#.

(2) #Building# base

(i) Facing Eleventh Avenue and the West 31st Street Extension, north of the #High Line#

The provisions of this paragraph (a)(2)(i) shall apply north of the #High Line# to #street walls# facing Eleventh Avenue, the West 31st Street Extension, portions of #street walls# facing the #High Line# within 60 feet of Eleventh Avenue, and portions of #street walls# facing the Southwest Open Space within 60 feet of the West 31st Street Extension. Such #street walls# shall rise without setback to a minimum height of 60 feet and a maximum height of 90 feet. Above a height of 90 feet, all portions of a tower, or portions of a transition height located beneath a tower facing Eleventh Avenue, the #High Line# and the West 31st Street Extension, shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the West 31st Street Extension need not set back above the maximum base height to allow portions of towers, or portions of a transition height located beneath a tower that comply with the provisions of paragraphs (a)(3) and (a)(4) of this Section, respectively, to rise without setback. These #building# base provisions may apply along the #High Line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(ii) Facing West 30th Street, north of the #High Line#

The provisions of this paragraph (a)(2)(ii) shall apply to #street walls# above the #High Line bed#, facing the #High Line# beyond 60 feet of Eleventh Avenue, and to those portions of #street walls# facing the Southwest Open Space that are within 60 feet of the #High Line#. Such #street walls# shall rise without setback to a minimum height of 50 feet as measured above the level of the #High Line bed#, and a maximum height of 60 feet as measured above the level of the #High Line bed#. Above a height of 60 feet, all portions of a tower, or portions of a transition height located beneath a tower facing the #High Line#, shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the #High Line# need not set back above the maximum base height to allow portions of a tower, or portions of a transition height located beneath a tower that comply with the provisions of paragraphs (a)(3) and (a)(4), respectively, to rise without setback.

All portions of a #building# that exceed the maximum base height of 90 feet shall comply with the tower provisions of paragraph (a)(4), with the exception of a #building# which provides a transition height in accordance with the provisions of paragraph (a)(3).

(3) Transition height

If the outermost walls of all #stories# of any tower provided in accordance with the tower provisions of

paragraph (a)(4) are individually inscribed within a rectangle where the east-west dimension does not exceed a length of 110 feet, a transition height may be provided above the #building# base in accordance with the provisions of this paragraph (a)(3).

Above the maximum base height, a #street wall# may rise to a maximum transition height equal to two-thirds of the height of the #street wall# of the #building# base facing the West 31st Street Extension. Such a transition height shall not exceed a maximum height of 150 feet, as measured above the West 31st Street Extension #street line#.

All portions of a transition height shall be set back 30 feet from the #street wall# of the #building# base along the West 31st Street Extension and the #High Line#, except that where towers are provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the #building# base provisions of paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum transition height shall comply with the tower provisions of paragraph (a)(4).

(4) Towers

All #stories# of a #building# located partially or wholly above a height of 90 feet, or 150 feet if a transition height is provided in accordance with the provisions of paragraph (a)(3), shall be considered a tower and shall comply with the provisions of this paragraph (a)(4).

(i) Maximum floorplate

If more than one tower is provided on Site 6, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(ii) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 160 feet and the north-south dimension shall not exceed a length of 110 feet. Where more than one tower is located on Site 6, each tower shall comply independently with such maximum dimensions.

The #aggregate width of street walls# of all #stories# of a tower facing the West 31st Street Extension or the #High Line# shall not exceed 220 feet within 40 feet of the #street wall# of the #building# base.

If more than one tower is provided on Site 6, such towers shall either be equal in height, or the easternmost tower shall have a height greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section [93-569](#) (Tower top articulation).

(b) Certification to expand Site 6

The area of Site 6, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, may be extended westward by up to 40 feet in order to accommodate a public #school# upon certification of the Chairperson of the City Planning Commission, that:

- (1) the Chairperson is in receipt of a letter from the School Construction Authority that describes the need for the

additional area;

- (2) the site and landscape plans for the Southwest Open Space have been approved by the Chairperson, pursuant to Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F);
- (3) no portion of a tower located on Site 6 extends beyond 395 feet west of the Eleventh Avenue #street line#; and
- (4) any portion of a #building# located beyond 395 feet from the Eleventh Avenue #street line# shall affect southwesterly view corridors from the Central Open Space towards the Hudson River to the minimum extent necessary to accommodate a public #school#.

93-569 - Tower top articulation

LAST AMENDED

12/21/2009

All towers that exceed a height of 350 feet shall provide articulation in accordance with this Section.

For the purposes of this Section, a minimum of the uppermost 15 percent of the height of a #building or other structure#, including all rooftop mechanical structures and their required enclosures pursuant to the regulations of paragraph (b) of Section [93-41](#) (Rooftop Regulations), shall henceforth be referred to as the “Tower Top Zone”. However, chimneys, antennae or decorative spires shall not be considered part of the Tower Top Zone, provided no such structures contain #floor area#.

The height of such #building or other structure# shall be measured from the highest level of the public sidewalk or finished grade located nearest such #building or other structure#.

The Tower Top Zone shall contain an “Upper Zone” and a “Lower Zone.” The Lower Zone shall be a minimum of 50 percent of the height of the Tower Top Zone and shall contain tower #stories#. The Upper Zone shall contain the highest tower #story# where #floor area# occupies more than 75 percent of the gross area of such #story#, and any enclosed rooftop mechanical equipment.

For the purposes of this Section, each tower of a #building or other structure# shall be comprised of four separate tower top elevation views that shall be used to measure compliance with the regulations of this Section. Each elevation view shall have an angle of 90 degrees from another such view.

Each tower top shall provide the following forms of articulation:

- (a) Change in the #building or other structure# profile
 - (1) Constructing the profile change boundary

To comply with the provisions of this paragraph (a)(1), a rectilinear boundary within the Tower Top Zone shall be created in each elevation view to determine the required amount of profile change. In order to construct such boundary, two datum lines shall first be drawn in each elevation view. Such datum lines shall begin at the average outermost edges of those portions of tower floor plates above a height of 350 feet containing #floor area# below the Tower Top Zone, and shall extend upward for the entirety of the height of the #building or other structure#. The rectilinear profile change boundary shall include the portion of these two datum lines within the Tower Top Zone, as well as their intersection with two datum lines indicating the uppermost elevation and the lowermost elevation of the Tower Top Zone. In addition, a datum line shall indicate the boundary between the Upper and Lower Zone, creating a boundary for both the Upper Zone and Lower Zone.

- (2) Required profile change

A minimum of 10 percent of the area of the profile change boundary within the Lower Zone shall remain open to the sky in each required elevation view. Such profile change shall begin upward at the lowermost datum line of the Tower Top Zone. In addition, a minimum of 20 percent of the area of the profile change boundary within the Upper Zone shall remain open to the sky in each required elevation view.

However, for portions of a #building or other structure# providing enclosed rooftop mechanical equipment within the Upper Zone, the width (as viewed in elevation) of the lowermost portion of enclosed rooftop mechanical space at that point in elevation which coincides with the uppermost portion of the highest tower #story# shall in no event be reduced beyond 50 percent of the width of such highest tower #story#. Upwards of such a point in elevation, no restriction on maximum width reduction for enclosed rooftop mechanical spaces shall apply.

(b) Change in the #building or other structure# #lot coverage#

For portions of a #building or other structure# within the Lower Zone, the average #lot coverage# for all tower #stories# within such zone shall not exceed 80 percent of the #lot coverage# of the tower #story# with the largest #lot coverage# below the Tower Top Zone and above a height of 350 feet.

(c) Material continuity

A minimum of 10 percent of the surface area of the exterior portion of the facade of the #building or other structure# within the Tower Top Zone, as viewed in elevation, shall be composed of a single material. Such material shall be continuously visible (in each elevation view) from the lowermost datum line of the Tower Top Zone to the uppermost datum line of the Tower Top Zone. However, within each #story# of the Lower Zone, a break in the vertical continuity of the material shall be permitted, provided that the vertical break does not exceed 12 inches.

93-57 - Special Height and Setback Regulations in Subdistrict G

LAST AMENDED

2/2/2011

(a) Required setbacks

The required minimum setback for portions of #buildings or other structures# that exceed the maximum base height specified in paragraph (a) of Section [93-42](#) shall be 10 feet from a #wide street# and 15 feet from a #narrow street#. However, the required minimum setback along West 39th Street shall be five feet.

(b) Tower #lot coverage#

The portion of any #building# or #buildings# located above a height of 150 feet shall be considered a “tower.”

- (1) Towers shall occupy a minimum of 20 percent of the #lot area# of the #zoning lot#, except that this requirement shall not apply to the highest 40 feet of such tower or towers.
- (2) Towers containing #residences# shall occupy a maximum of 40 percent of the #lot area#.
- (3) The aggregate #lot area# of all towers, including #residential# and non-#residential# towers, shall not exceed 65 percent of the #lot area#.

93-58 - Special Permit for Modification of Height and Setback Regulations

LAST AMENDED 10/21/2021

Within the #Special Hudson Yards District#, except within C1-7A Districts, or C2-5 Districts mapped within R8A Districts, for #developments# or #enlargements# on #zoning lots# with at least 20,000 square feet of #lot area# or #developments# or #enlargements# on any size #zoning lot# that occupy the entire #block# front along a #wide street#, the City Planning Commission may modify the regulations set forth in Sections [93-40](#) (HEIGHT AND SETBACK REGULATIONS), inclusive, and [93-50](#) (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, provided the Commission finds that:

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

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

93-59 - Special Yard Regulations in Subdistrict G

LAST AMENDED 10/21/2021

No rear yard equivalent shall be required in Subdistrict G.

93-60 - MANDATORY IMPROVEMENTS

LAST AMENDED
1/19/2005

93-61 - Sidewalk Widening

LAST AMENDED
1/19/2005

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

93-62 - Street Tree Planting

LAST AMENDED

In addition to the applicable underlying #street# tree planting requirements, in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, trees shall also be provided along the #street# edge of the mandatory sidewalk widenings along West 34th Street. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least three feet, six inches. Species shall be selected and installed in accordance with specifications established by the Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

93-63 - Pedestrian Circulation Space

LAST AMENDED

2/2/2011

In C2-8 and C6-4 Districts, except within Subdistrict G, all #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section [37-50](#). In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

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

- (a) The #zoning lot# is entirely occupied by a #building# of no more than one #story# in height.
- (b) The #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage.
- (c) The #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length.
- (d) The #zoning lot# is required to provide public access pursuant to Section [93-70](#) (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES).

93-64 - Major Building Entrances

LAST AMENDED

2/2/2011

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

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

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

93-65 - Transit Facilities

LAST AMENDED

- (a) Any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue shall provide an easement for public access to the subway mezzanine or station as illustrated on Map 5 (Transit Facilities) in Appendix A of this Chapter. The easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

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

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

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

- (b) For the locations listed in this paragraph, (b), floor space devoted to subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station, which are established pursuant to an easement or other agreement, shall be excluded from the definition of #floor area# in Section [12-10](#):
- (1) The volume bounded by Eleventh Avenue, a line 52 feet north of and parallel to West 33rd Street, the western boundary of the #public park#, and West 33rd Street, up to a height of 82 feet, as illustrated on Map 5.
 - (2) The volume bounded by Eleventh Avenue, West 36th Street, a line 95 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 36th Street, up to a height of 129 feet, as illustrated on Map 5.
 - (3) The tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of the #Special Clinton District#.
 - (4) The volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of the #Special West Chelsea District#.

Any transit easement or other agreement for such subway-related #use# shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

In Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, the provisions of this Section shall apply to all open areas between the #street wall# of any #development# or #enlargement# and the #street line#.

- (a) Where such open areas are sidewalk widenings required pursuant to Section [93-61](#), or where a sidewalk widening is not required but an open area extends along the entire #street line# of the #zoning lot#, no obstructions shall be permitted within such open areas within five feet of the #street line#. Beyond five feet of the #street line#, up to a distance of 10 feet from the #street line#, obstructions shall be limited to seating, tables, and trees planted flush to grade. Any open area provided beyond 10 feet of the #street line# shall comply with the provisions of paragraphs (b) through (d) of this Section, as applicable.
- (b) All open areas less than 1,200 square feet in area, or open areas of any size but with a width or depth of less than 30 feet, shall be paved or contain landscaping. Paved areas shall be at the same elevation as the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.
- (c) All open areas at least 1,200 square feet in area, and with a width and depth of at least 30 feet, shall be paved and contain landscaping. Paved areas shall not be more than 2 feet, 6 inches above or below the level of the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.
- (d) Open areas described in paragraphs (b) and (c) of this Section may be occupied by features, equipment and appurtenances normally found in #public parks# and playgrounds, as listed in Section [37-726](#) (Permitted obstructions). In addition, gates or fences shall be permitted for open areas described in paragraph (c) of this Section, provided such gates are fully open during business hours, such gates or fences are not higher than five feet, and are a minimum of 65 percent open to permit visibility of the open area. No parking areas shall be permitted in any open area. Driveways in any open area shall lead directly to an enclosed parking or loading facility, except that portes-cocheres are allowed in any open area on #zoning lots# with at least 80,000 square feet of #lot area#. #Building# trash storage facilities and mechanical equipment shall be screened by a wall or planted area sufficient to visually conceal these facilities from the #street# or any public access area. All paved areas shall be accessible to the public during business hours and have lighting with a minimum level of two foot candles. Edges of planters in all landscaped areas shall not be higher than 2 feet, 6 inches above the level of any adjacent paved area.

93-70 - PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

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

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, the requirements set forth in paragraph (h) of Section [93-71](#), shall apply. For certifications relating to 450 West 33rd Street, the requirements set forth in Section [93-722](#) shall apply. For certifications relating to the Ninth Avenue Rail Yard, the requirements set forth in Section [93-732](#) shall apply.

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

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For the Eastern Rail Yard Subarea A1, such phased development plan may provide for the outdoor plaza described in paragraph (b) of Section [93-71](#) to be constructed in phases. For 450 West 33rd Street and the Ninth Avenue Rail Yard, such phased development plan shall comply with additional provisions set forth in Sections [93-722](#) and [93-732](#), respectively.

For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in paragraph (h) of Section [93-71](#), and Section [93-732](#). Issuance of a temporary or permanent certificate of occupancy for any #building#, or portion of a #building#, not occupied by an #ERY Culture, Festival and Exhibit Facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

For an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for such #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza described in paragraph (j) of Section [93-71](#) is substantially complete and open to and useable by the public and no permanent certificate of occupancy from the Department of Buildings may be issued for the #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza is complete. If a moveable portion of the #ERY Culture, Festival and Exhibit Facility# is not initially constructed as part of the #ERY Culture, Festival and Exhibit Facility# but is constructed at a later date, any closure of the Culture Facility Plaza necessary for such construction shall not affect the validity of any certificate of occupancy previously issued for the #ERY Culture, Festival and Exhibit Facility#. No temporary certificate of occupancy for the moveable portion that is thereafter constructed, or an amended temporary certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is substantially complete and open to and useable by the public and no permanent certificate of occupancy for the moveable portion that is thereafter constructed, or an amended permanent certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is complete.

93-71 - Public Access Areas in the Eastern Rail Yard Subarea A1

LAST AMENDED

7/24/2013

Any #development# in the Eastern Rail Yard Subarea A1 shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and paragraphs (h) and (j), of this Section. For purposes of determining compliance with such 55 percent and 40 percent requirements, the Culture Facility Plaza, any portion of the connection to the High Line allowed to be covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility# pursuant to paragraph (f), and any portion of the connection to the High Line that is not required to have a clear height of 60 feet pursuant to paragraph (f) shall be deemed publicly accessible and open to the sky at all times, including any time when a moveable portion of an #ERY Culture, Festival and Exhibit Facility# extends over the Culture Facility Plaza or the connection to the High Line. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section [93-61](#) and, at the option of the owner, the #Tenth Avenue Spur#. If the Cultural Facility Plaza is closed during the construction of the moveable portion of the #ERY Culture, Festival and Exhibit Facility#, the amount of publicly accessible open space shall not be considered reduced during such period.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public, as follows:

- (1) unenclosed public access areas shall be accessible between the hours of 6:00 a.m. and 1:00 a.m., except that any portions of the outdoor plaza, as described in paragraph (b) of this Section, designed and constructed for purposes of vehicular use, shall be accessible at all times, except as necessary to perform maintenance and repairs or address hazardous or emergency conditions;
- (2) enclosed portions of the through block connection and connection to the public plaza, described in paragraphs (d) and (e) of this Section, shall be accessible to the public between the hours of 8:00 a.m. and 10:00 p.m.; and
- (3) upon completion of the Tenth Avenue bridge, described in paragraph (g) of this Section, access between the bridge and the outdoor plaza shall be provided by means of the through block connection between the hours of 6:00 a.m. and 1:00 a.m.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage erected at conspicuous locations. Such signs shall include the statement "Open to the Public," followed by the hours of operation specified in this paragraph (a). The public space signage for the Culture Facility Plaza may include additional information, consistent with the provisions of paragraph (j) of this Section.

(b) Outdoor plaza

A publicly accessible space, open to the sky (hereinafter referred to as the "outdoor plaza"), shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and

parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West. Such open area may extend beyond such boundaries and have necessary grade changes, and up to 10 percent of the area of such outdoor plaza may be covered by a #building# or other structure#

In addition, a #building# containing eating or drinking places and #uses# listed in Use Groups 6A and 6C may be located within the outdoor plaza (but shall not be included as public access area pursuant to paragraph (a) of Section [93-71](#)), provided that any such #building#:

- (1) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;
- (2) covers no more than 3,600 square feet of the #zoning lot# at the level of the outdoor plaza and above;
- (3) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;
- (4) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;
- (5) is located such that the maximum east-west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east-west dimension shall increase at a rate of one foot in the east-west dimension for every four feet in the north-south dimension from such line, up to a maximum east-west dimension of 60 feet; and
- (6) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a #building# may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

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

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

The retail and glazing requirements of Section [93-14](#) (Ground Floor Level Requirements) shall apply to at least 70 percent of the length of all #building# walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building#, or portion of a #building#, located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street containing #uses# in Use Group 3 or 4 or an #ERY Culture, Festival and Exhibit Facility#.

(c) Public plaza

A publicly accessible space, (hereinafter referred to as a “public plaza”), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 180 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street. Such public plaza

shall be open to the sky except that such space may be covered by the #ERY High Line# structure, including any connections to the #ERY High Line# or other design features, as well as a #building# or portion of a #building# as allowed pursuant to Section [93-514](#), paragraph (a)(4), except that no #building# or portion of a #building# may encroach within the area that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street. In addition, no more than 50 percent of the public plaza shall be covered by the permitted obstructions described in Section [37-726](#), paragraph (a), as well as any vents or shafts that are placed by the Department of Environmental Protection within the portion of the public plaza that is subject to an access easement.

Such public plaza shall contain the following amenities:

- (1) no less than 120 linear feet of fixed seating;
- (2) no less than 12 moveable tables and 48 moveable chairs; and
- (3) no less than four trees or multi-stemmed equivalents measuring at least four inches in caliper at the time of planting, which trees or multi-stemmed equivalents may be planted in a planting bed. In addition, such public plaza shall contain at least two of the following additional amenities:
 - (i) artwork;
 - (ii) water features; or
 - (iii) food service located in a retail space directly accessible from the public plaza.

The glazing requirements of Section [93-14](#), paragraph (c), shall apply to at least 70 percent of the length of all #building# walls, other than the #building# walls of any facility operated by the Long Island Rail Road, or its successor, facing each side of the public plaza. In addition, at least 25 percent of the frontage of all #building# walls facing the portion of the public plaza that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street shall be occupied by #uses# listed in Use Groups 6A and 6C or the connection to the public plaza described in paragraph (e) of this Section.

(d) Through block connection

A publicly accessible through block connection shall be provided connecting the outdoor plaza with the Tenth Avenue sidewalk within 50 feet or anywhere north of the center line of West 32nd Street. Public access shall also be provided between such through block connection and the Tenth Avenue bridge at the time such bridge is constructed pursuant to paragraph (g) of this Section, and may connect to other public access areas or sidewalks. Such through block connection may be open to the sky or enclosed, need not be linear and may have necessary grade changes.

Such through block connection shall have a minimum width of 30 feet and any enclosed portion shall have a minimum height of 30 feet. As an alternative, if an enclosed atrium space adjacent to the outdoor plaza is provided as part of the through block connection that meets all the following dimensional requirements: (1) comprises no less than 4,000 square feet with a minimum height of 60 feet and a minimum depth of 50 feet as measured by a line parallel from the #building# wall facing the outdoor plaza; (2) is free of #building# structural obstructions other than vertical circulation and other elements occupying no more than 500 square feet in the aggregate; and (3) contains interior walls facing such area that comply with the ground floor retail #use# requirements of Section [93-14](#), paragraph (a), then such through block connection may: (i) have a minimum width of 24 feet; and (ii) have a minimum height of 34 feet for at least 70 percent of the aggregate enclosed area of the through block connection (including the atrium), provided that no portion of the through block connection shall have a minimum height less than 17 feet.

The retail and glazing requirements of Section [93-14](#) shall apply to at least 50 percent of the length of all #building# walls facing each side of the through block connection (or, if enclosed, the interior walls facing the through block

connection). The through block connection may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the through block connection, and a single path of travel no less than 24 feet in width is maintained. Vertical circulation elements traversing the grade changes of the through block connection shall be considered a part of the through block connection and not an obstruction.

(e) Connection to public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza. Such connection need not be linear and may have necessary grade changes. The retail and glazing requirements of Section [93-14](#) shall apply to at least 50 percent of the length of all #building# walls facing each side of such connection (or, if enclosed, the interior walls facing the connection). The minimum clear width of such public way shall be 20 feet. For any portions that are enclosed, the minimum clear height shall be 34 feet within at least 50 percent of the enclosed area of the connection to the public plaza, provided that no portion of the connection to the public plaza shall have a minimum height less than 17 feet. The connection to the public plaza may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the connection to the public plaza and a single path of travel no less than 20 feet in width is maintained. Vertical circulation elements traversing the grade changes of the connection to the public plaza shall be considered a part of the connection to the public plaza and not an obstruction.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza (hereinafter referred to as the “connection”) shall be provided that has a minimum width, measured parallel to the High Line, of 60 feet and is located east of the Culture Facility Plaza. For a width of 60 feet measured parallel to the High Line, the clear height of the connection shall be at least 60 feet. Above such height, overhangs of the 60 foot width dimension of the connection shall be permitted by the movable portion of the #ERY Culture, Festival and Exhibit Facility#, provided that the angle of such overhang is a maximum of 14 degrees east of the vertical extension of the western edge of such 60 foot width, as measured from the intersection of such vertical extension with the 60 foot clear height of the connection. Additionally, such overhang shall project over no more than 16 feet of the 60 foot width dimension. Any portion of the connection east of the minimum 60 foot width shall, if covered, have a minimum clear height of 60 feet. The movable portion of the #ERY Culture, Festival and Exhibit Facility# shall be permitted to overhang any portion of the connection west of such minimum 60 foot width, provided that the angle of such overhanging portion is a maximum of 14 degrees measured at the western edge of the connection at its ground level. The glazing requirements of Section [93-14](#), paragraph (c), shall apply to at least 50 percent of the length of all #building# walls facing the connection.

(g) Tenth Avenue bridge

A publicly accessible pedestrian bridge shall be provided over Tenth Avenue linking the through block connections required pursuant to paragraph (d) of this Section and paragraph (a) of Section [93-72](#) (Public Access Areas at 450 West 33rd Street). Such bridge need not be constructed until the 450 West 33rd Street through block connection has been completed. Such bridge may be open or enclosed, have a minimum clear width of 30 feet and, if enclosed, have a minimum clear height of 15 feet. Such bridge shall be located within 10 feet of the center line of West 32nd Street and be at the same elevation as the through block connection required pursuant to paragraph (a) of Section [93-72](#).

(h) #ERY High Line# and #Tenth Avenue Spur#

The #ERY High Line# shall be provided as a publicly accessible open area. The #Tenth Avenue Spur# may, at the option of the owner, also be provided as a publicly accessible open area.

- (1) In order to meet the public access area requirements of Section [93-71](#), paragraph (a), and this paragraph (h), the following shall be provided for the #ERY High Line#, and shall, if the owner has elected to include the #Tenth Avenue Spur# as a public access area, be further provided for the #Tenth Avenue Spur#:
 - (i) Payment of the #High Line Rehabilitation Deposit#; or subject to entry into construction-related agreements with the City or its designee, completion of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, not later than March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms thereof. If the owner has elected to perform the rehabilitation work, then all such work shall be completed in accordance with plans and specifications prepared by or on behalf of the City;
 - (ii) Payment of the #High Line Landscape Improvement Deposit#;
 - (iii) Provision of #High Line Maintenance Funding#;
 - (iv) An easement agreement allowing use of the #ERY High Line# for public space in accordance with the requirements of this paragraph (h), as well as for use and access for rehabilitation, improvement, maintenance and repair purposes, acceptable to the City.

Such requirements shall be set forth in agreements or instruments in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. The execution of such agreements by the owner, and mortgagees and parties in interest of the owner, and, where appropriate, the filing and recordation of such instruments in the Borough Office of the City Register of the City of New York, indexed against the property, shall be a precondition to the Chairperson's certification to the Department of Buildings for a building permit under Section [93-70](#). 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.

- (2) No certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section [93-70](#) shall be permitted unless the #ERY High Line# is included as a public access area for the initial phase in accordance with the provisions of this paragraph (h).
- (3) No crane permit shall be granted for construction of a #development# or #enlargement# in such initial phase until the Chairperson certifies to the Department of Buildings that: (i) either the #High Line Rehabilitation Deposit# has been made or all construction documents and instruments necessary for accomplishment of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in accordance with paragraph (h)(1)(i) of this Section, have been executed and delivered; and (ii) the #High Line Landscape Improvement Deposit# has been made.
- (4) No temporary or permanent certificate of occupancy for a #development# or #enlargement# in such initial phase shall be granted unless the Chairperson certifies to the Department of Buildings that (i) either the #High Line Rehabilitation Deposit# has been previously furnished or the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been completed in accordance with the construction documents and instruments; (ii) the initial installment of #High Line Maintenance Funding# has been delivered, provided and to the extent that the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed and are open for use by the public; and (iii) the easement agreement described in paragraph (h)(1)(iv) of this Section, is in effect for the #ERY High Line#. The requirement for a certification of substantial completion of public access areas before the granting of a temporary certificate of occupancy for the #development# or #enlargement# within such phase pursuant to Section [93-70](#) shall not apply with respect to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

- (5) Nothing herein shall be construed to affect any obligation of the owner to make the #High Line Rehabilitation Deposit# at an earlier date, in accordance with the terms of agreements or instruments entered into by the parties, or to complete rehabilitation work for the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, by March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms of such agreements.
- (6) Use by the City of the #High Line Landscape Improvement Deposit# for improvement of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, shall be subject to approval by the Chairperson, based upon a determination that the design and location of access points to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been arranged such that public use thereof will not result in any significant adverse impacts with respect to transit or pedestrians.

(i) Certifications for phased development pursuant to Section [93-70](#) granted before May 31, 2012

If a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section [93-70](#) was granted before May 31, 2012, such certification shall expire 45 days following such date and shall thereupon no longer be in force and effect. Within said 45-day period, a new application for certification pursuant to Section [93-70](#) and Section [93-71](#), paragraph (h), shall be filed by the owner which shall include the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as public access areas associated with the initial phase, in addition to any other public access areas previously so certified. The expiration of any certification under Section [93-70](#) granted before May 31, 2012, shall not affect the validity of any permit issued by the Department of Buildings prior to the expiration of such 45-day period, provided the new application under Section [93-70](#) and Section [93-71](#), paragraph (h), is made within such 45-day period.

In the event that a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section [93-70](#) was granted before May 31, 2012, and a crane permit for the construction of a #development# or #enlargement# within such initial phase was granted prior to 45 days after May 31, 2012, the preconditions to issuance of a crane permit set forth in Section [93-71](#), paragraph (h), shall be prerequisites for the grant of any new certification for phased development made under this paragraph (i).

(j) Culture Facility Plaza

A publicly accessible space located east of and #abutting# the non-moveable portion of an #ERY Culture, Festival and Exhibit Facility#, and bounded to the north by the outdoor plaza and to the south by the #ERY High Line# shall be provided. During times when the Culture Facility Plaza is not covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza may be used for purposes of outdoor events related to an #ERY Culture, Festival and Exhibit Facility#. Outdoor installations for such events, including seating, shall be restricted to the Culture Facility Plaza. All such events shall be open and accessible to the general public free of admission charge, provided that ticketed events with tickets available on a first come, first served, or timed basis, shall be permitted. During all times when the Culture Facility Plaza is not used for an #ERY Culture, Festival and Exhibit Facility# event or covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza shall be open and accessible to the public between the hours of 6:00 a.m. and 1:00 a.m. Notwithstanding any other provision, the Culture Facility Plaza may be closed to the public not more than 12 days each calendar year for an event related to the #ERY Culture, Festival and Exhibit Facility#, provided that not less than five days prior to any such closing, notice is given to the applicable community board and is posted at conspicuous locations at such plaza. No #building# or portion of a #building# that is not used for an #ERY Culture, Festival and Exhibit Facility# shall have any obligation to comply with the requirements of paragraph (a), or this paragraph (j), of this Section related to the Culture Facility Plaza.

For the purposes of this Section [93-72](#), inclusive, 450 West 33rd Street shall be considered the area bounded by the eastern #street line# of Tenth Avenue, the northern #street line# of West 31st Street, a line 302 feet east of the eastern #street line# of Tenth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 1 and 15, existing on April 29, 2014. Any #development# or #enlargement# in such area shall provide public access areas in accordance with the provisions of this Section. However, if a special permit has been granted for the #development# of an arena pursuant to Section [74-41](#) in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit. All public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(a) Through block connection

A publicly accessible through block connection shall be provided within 10 feet of the prolonged center line of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section [93-71](#) with the Dyer Avenue Platform required pursuant to paragraph (b) of this Section and paragraph (e) of Section [93-73](#) (Public Access Areas on the Ninth Avenue Rail Yard). Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on January 19, 2005, has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a #building# wall along the southern boundary of the through block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection that is open to the sky shall comply with the provisions for #public plazas# set forth in Sections [37-718](#), [37-726](#), [37-728](#), [37-741](#), [37-742](#), [37-743](#), [37-744](#), [37-75](#), [37-76](#) and [36-77](#).

An #enlargement# that does not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, shall not be considered an #enlargement# for purposes of this paragraph (a).

(b) Dyer Avenue Platform

A permanent easement shall be provided along the eastern edge of 450 West 33rd Street, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter, for the purposes of constructing the Dyer Avenue Platform required pursuant to paragraph (d) of Section [93-73](#). Such easement shall have a minimum width of 33 feet. Any amenities required by paragraph (d) of Section [93-73](#) may be located within such easement.

(c) West 31st Street Passageway

A publicly accessible passageway space, (hereinafter referred to as the "West 31st Street passageway") shall be provided connecting the Tenth Avenue podium required pursuant to paragraph (d) of this Section to the Dyer Avenue Platform required pursuant to paragraph (d) of Section [93-73](#), as shown on Map 1 in Appendix B. The West 31st Street passageway shall be located at the same elevation as the Dyer Avenue Platform. Such space shall be located within 35 feet of West 31st Street, have a minimum clear path of 10 feet and be visually open to West 31st Street except for structural elements of the #building# at 450 West 33rd Street.

(d) Tenth Avenue podium

(1) Location and minimum dimensions

A publicly accessible area (hereinafter referred to as the "Tenth Avenue podium") shall be provided at the corner of Tenth Avenue and West 31st Street, as shown on Map 1 in Appendix B. The Tenth Avenue podium shall have a minimum area of 1,800 square feet, be located at the same elevation as the Dyer Avenue Platform required pursuant to paragraph (d) of Section [93-73](#), and shall connect to the West 31st Street passageway required pursuant to paragraph (c) of this Section.

(2) Required amenities

The Tenth Avenue podium shall contain a minimum of four trees and be directly accessible from West 31st Street by a staircase and elevator. The stair and the adjoining area shall be open to West 31st Street except for columns and structural elements of the 450 West 33rd Street #building#.

93-721 - Design and maintenance requirements for public access areas at 450 West 33rd Street

LAST AMENDED
8/9/2017

Public access areas at 450 West 33rd Street provided pursuant to the requirements of Section [93-72](#) shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of Section [93-72](#) shall comply with the following applicable design standards:

- (1) at least two litter receptacles in such public access areas shall be provided;
- (2) the public access areas at 450 West 33rd Street shall provide the following public signage system:
 - (i) One entry plaque shall be provided in each of the following locations:
 - (a) the Dyer Avenue access point to the West 31st Street Passageway;
 - (b) the Tenth Avenue Podium access point to the West 31st Street Passageway; and
 - (c) the #street# level entrance to the Tenth Avenue Podium.
 - (ii) Each entry plaque is subject to the signage standards as set forth in paragraphs (a)(1) through (a)(4) of

Section [37-751](#) (Public space signage systems).

- (iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, 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. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas at 450 West 33rd Street that such plaque is provided in connection with, 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 that portion of the public access areas at 450 West 33rd Street.
 - (iv) A minimum of two information plaques, constructed from the same permanent materials as the entry plaque, or combined with one or more of the required entry plaques, shall be provided within the public access areas. Information plaques shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, 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.
 - (v) The information plaque is subject to the signage standards as set forth in paragraphs (b)(1) through (b)(6) of Section [37-751](#), except that paragraph (b)(3) shall be modified to read, “in lettering three-eighths of an inch in height, the words: ‘This public access area contains:’” followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.
- (3) the minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot);
 - (4) no gates, fences or other barriers shall be permitted within such public access areas; and
 - (5) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner(s) shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-722 - Certification for public access areas at 450 West 33rd Street

LAST AMENDED
4/29/2014

For #enlargements# that do not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, in accordance with the provisions of Section [93-732](#) (Certification for public access areas on the Ninth Avenue Rail Yard), no temporary or permanent certificate of occupancy shall be issued by the Department of Buildings for more than 3,204,000 square feet of #floor area developed# or #enlarged# on the Ninth Avenue Rail Yard until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a phasing plan has been submitted requiring the West 31st Street Passageway and the Tenth Avenue Podium, required pursuant to paragraphs (c) and (d) of Section [93-72](#) (Public Access Areas at 450 West 33rd Street), respectively, to be substantially complete and open to and useable by the public.

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

LAST AMENDED

8/9/2017

For the purposes of this Section [93-73](#), inclusive, the Ninth Avenue Rail Yard shall be considered the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 50 and 60, existing on April 29, 2014. Any #development# in such area shall provide public access areas in accordance with the provisions of Section [93-73](#), inclusive.

Public access areas on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section. Public access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section [93-61](#). The entry plaza and the art plaza, as set forth in paragraphs (a) and (c) of this Section, respectively, shall be subject to the hours of access provisions set forth in Section 37-727. All other public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(a) Entry Plaza

(1) Location and minimum dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the “entry plaza”), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza area shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required amenities

The entry plaza shall have the following amenities:

- (i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);
- (ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;
- (iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;
- (iv) ground floor transparency, in accordance with the provisions of paragraph (c) of Section [93-14](#) (Ground Floor Level Requirements), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and
- (v) one clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and minimum dimensions

A publicly accessible space (hereinafter referred to as the “central plaza”), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line 478 feet west of and parallel to the western #street line# of Ninth Avenue, a line 167 feet north of and parallel to the northern #street line# of West 31st Street beyond 40 feet of the western street line of Ninth Avenue, a line 40 west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street within 40 feet of the western street line of Ninth Avenue, as shown on Map 1 in Appendix B of this Chapter. Except as provided in paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension of 100 feet as measured from the #building# walls of the #buildings# facing onto the central plaza of. The central plaza shall be open to the sky, except:

- (i) for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section; and
- (ii) within a line 115 feet west of and parallel to the western #street line# of Ninth Avenue, a #building# may cantilever over the central plaza and required circulation paths located therein, provided such cantilever extends no greater than 10 feet over such central plaza.

(2) Required amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), and planting beds which, in the aggregate, occupy an area of at least 7,500 square feet.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet of such total requirement shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating of such total requirement shall be provided, of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the “event space”). Such event space may be used for events not exceeding a maximum area of 4,500 square feet, except as set forth below for summer public events and winter public events. When the event space is not being used

for an event (general public events, summer public events, winter public events and private events), it shall contain a minimum of 192 linear feet of seating, with 96 moveable chairs and 24 moveable tables and, between April 1 and November 15, a minimum of two moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section. When the event space is being used for an event (general public events, summer public events, winter public events and private events), the additional tables, chairs and moveable food carts may be removed.

(a) General Public Events

At all times of the year, the event space may be used to host general public events which are open and accessible to the general public and free of admission. During such public events, the event space may contain associated temporary structures and seating.

(b) Summer Public Events

For not more than 75 days between April 1 and November 15, the event space may be used for summer public events which are open and accessible to the general public and free of admission charge, where the temporary structures and seating associated with such summer public events may extend beyond 4,500 square feet, provided that the total area used for such summer public events does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue.

(c) Winter Public Events

Between November 15 and April 1, an ice skating rink, together with associated temporary structures, may extend beyond 4,500 square feet, provided that the total area used for the ice skating rink together with associated temporary structures does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue. The ice skating rink shall be open and accessible to the general public, but a fee for use of the ice skating rink may be charged, provided the combined total admission and equipment rental fees do not exceed the highest of such combined fees charged at any one rink operating in a #public park#.

(d) Private Events

The City Planning Commission may allow the closing of the event space for up to 12 private events per year pursuant to a restrictive declaration acceptable to the City and recorded in the Office of the City Register for New York County and indexed against the property.

For all events specified in this Section, temporary structures or seating associated with such an event (general public events, summer public events, winter public events and private events) permitted by this paragraph may be installed in the event space, provided the circulation paths required in paragraph (b)(2)(iv) of this Section remain unobstructed at all times.

(iv) Circulation paths

Circulation paths in the central plaza shall meet the following minimum requirements:

(a) pedestrian circulation paths with an aggregate width of not less than 30 feet shall be provided;

- (b) at least two of the required circulation paths with a minimum clear width of 12 feet shall be located within 20 feet of the facade of each #building# facing the central plaza;
- (c) in addition to the circulation paths required by paragraph (b)(2)(iv)(a) of this Section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i) of this Section, which connect with the circulation paths required by paragraph (b)(2)(iv)(b) of this Section;
- (d) all circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this Section; and
- (e) clear paths, with a total minimum aggregate width of 20 feet, shall be located at the boundary between the entry plaza, required pursuant to paragraph (a) of this Section, and the central plaza, required by paragraph (b) of this Section, and at the boundary between the art plaza, required pursuant to paragraph (c) of this Section, and the central plaza, required by paragraph (a) of this Section, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza, respectively, and that all clear paths counted toward the aggregate minimum width required by this paragraph shall be a minimum of 7 feet, 6 inches in clear width, and be located no further than 12 feet apart from one another.

(v) Transparency

The transparency requirements of paragraph (c) of Section [23-14](#) (Ground Floor Level Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section [23-14](#) and at least 50 percent of the aggregate frontage of all #buildings# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section [23-14](#). Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion, and any seating associated with a #use# in the pavilion, shall be located at least ten feet west of the prolongation of the east face of the #building# fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet, with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one #story# in height, except such one #story# limitation may be exceeded by portions of the pavilion allocated to mechanical equipment as well as restrooms and a food preparation kitchen occupying, in the aggregate, no more than 200 square feet area. Such pavilion shall not exceed a height limit of 25 feet, except that the permitted obstructions set forth in Section [33-42](#), as well as restrooms and a food preparation kitchen located above the level of the first #story# may be permitted to exceed such height limit provided that the height of such restroom and food preparation kitchen do not exceed ten feet. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such seating

shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor area#. At least 60 percent of the exterior walls of the pavilion shall be transparent except for structural supports, provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural supports.

(3) Alternative design option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the western #street line# of Ninth Avenue, and further provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

(c) Art Plaza

(1) Location and minimum dimensions

A publicly accessible space open to the sky (hereinafter referred to as the “art plaza”) shall be located in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 40 feet west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street, as shown on Map 1 in Appendix B. The art plaza shall have a minimum area of 7,480 square feet, a minimum east-west dimension of 40 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section.

(2) Required amenities

The art plaza shall contain the following features and amenities:

- (i) a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);
- (ii) planting beds which, in the aggregate, occupy an area of at least 410 square feet;
- (iii) a minimum of 45 linear feet of seating;
- (iv) one or more pieces of artwork. Such artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and
- (v) the transparency requirements of paragraph (c) of Section [93-14](#) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.

(d) Dyer Avenue Platform

(1) Location and minimum dimensions

A publicly accessible platform shall be constructed over Dyer Avenue connecting West 33rd Street and West 31st Street (hereinafter referred to as the “Dyer Avenue Platform”), as shown on Map 1 in Appendix B. The Dyer Avenue Platform shall include the easement area described in paragraph (b) of Section [93-72](#) and shall directly connect with the central plaza and the West 31st Street connector required by paragraphs (b) and (e) of this Section, respectively. The Dyer Avenue Platform shall have a minimum east-west dimension of 53 feet and a

minimum north-south dimension of 455 feet. However, such minimum east-west dimension may be reduced to accommodate an extension of such existing egress stair in order to adjoin the level of the platform, or to accommodate up to 15 inches of additional exterior wall thickness added to the eastern face of the existing #building# at 450 West 33rd Street. Except for any portion of the Dyer Avenue Platform which on April 29, 2014, was covered by the #building# located at 450 West 33rd Street and the existing egress stairs on the eastern face on such #building#, or the permitted additions thereto, respectively, the Dyer Avenue Platform shall be open to the sky.

(2) Required amenities

The Dyer Avenue Platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue Platform located within the easement provided pursuant to paragraph (b) of Section [93-72](#) (Public Access Areas at 450 West 33rd Street):

- (i) a minimum of 16 trees (or other amounts equivalent to a minimum of 64 caliper inches), of which a minimum of 12 trees (or other amounts equivalent to a minimum of 48 caliper inches) shall be located south of the center line of the prolongation of West 32nd Street;
- (ii) planting beds, which in the aggregate, occupy an area of at least 1500 square feet, of which a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of West 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;
- (iii) a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the prolongation of West 32nd Street and a minimum of 50 linear feet of seating located within 30 feet of the southern street line of West 33rd Street;
- (iv) the glazing requirements of paragraph (c) of Section [93-14](#) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue Platform; and
- (v) at least two pedestrian circulation paths with a minimum clear path of eight feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue Platform, from West 31st Street to West 33rd Street.

Vertical circulation elements, including stairs and ramps traversing the grade changes of the Dyer Avenue Platform shall be considered a part of the Dyer Avenue Platform and not an obstruction.

(e) West 31st Street Connector

(1) Location and minimum dimensions

A publicly accessible connection (hereinafter referred to as the “West 31st Street connector”) shall be provided between the Dyer Avenue Platform required pursuant to paragraph (e) of this Section and West 31st Street, as shown on Map 1 in Appendix B. The West 31st Street connector shall be located on West 31st Street adjoining the eastern boundary of the Dyer Avenue Platform and shall have a minimum area of 450 square feet.

(2) Required amenities

The West 31st Street connector shall be directly accessible from West 31st Street by a staircase with a minimum width of eight feet and by an elevator.

(f) Connection to below-grade passage

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

93-731 - Design and maintenance requirements for public access areas on the Ninth Avenue Rail Yard

LAST AMENDED
8/9/2017

Public access areas on the Ninth Avenue Rail Yard provided pursuant to the requirements of Section [93-73](#), shall comply with the applicable design reference standards set forth in paragraph (a) and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

- (1) seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section [37-741](#) (Seating), inclusive;
- (2) where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation requirements of Section [37-742](#) (Planting and trees). Where trees are provided, they shall meet the planting standards, soil requirements and irrigation standards set forth in Section [37-742](#);
- (3) steps shall meet the minimum dimensional standards set forth in Section [37-725](#) (Steps);
- (4) kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section [37-73](#) (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section [93-73](#). Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section [93-73](#);
- (5) the public access areas on the Ninth Avenue Rail Yard shall provide the following public signage system:
 - (i) One entry plaque in each of the following locations:
 - (a) entry to the Entry Plaza from West 33rd Street;
 - (b) entry to the Central Plaza from Ninth Avenue;
 - (c) entry to the Art Plaza from West 31st Street;
 - (d) sidewalk level entry to the West 31st Street Connector; and
 - (e) entry to the Dyer Avenue Platform from West 33rd Street.
 - (ii) Each entry plaque is subject to the signage standards as set forth in paragraph (a)(1) through (a)(4) of Section [37-751](#) (Public space signage systems).
 - (iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located

within a planter, 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. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas on the Ninth Avenue Rail Yard that such plaque is provided in connection with, 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 that portion of the public access areas on the Ninth Avenue Rail Yard.

- (iv) A minimum of one information plaque, constructed from the same permanent materials as the entry plaques, or combined with one or more of the required entry plaques, shall be provided within the Art Plaza, the Entry Plaza, the Central Plaza and Dyer Avenue. The information plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, 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.
- (v) Each information plaque is subject to the signage requirements as set forth in paragraphs (b)(1) through (b)(6) of Section [37-751](#) except that paragraph (b)(3) shall be modified to read, “in lettering three-eighths of an inch in height, the words: ‘This public access area contains:’” followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.

- (6) where #buildings# front on to public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section [37-726](#) (Permitted obstructions);
- (7) the aggregate number of litter receptacles in such public access areas shall be 21;
- (8) no gates, fences or other barriers shall be permitted within such public access areas except that protective bollards provided in connection with the development of the Ninth Avenue Rail Yard may be located within the required public access areas; and
- (9) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-732 - Certification for public access areas on the Ninth Avenue Rail Yard

LAST AMENDED
4/29/2014

No certification for the phased development of public access areas on the Ninth Avenue Rail Yard shall be permitted until a plan has been submitted that provides for the completion of public access areas in accordance with the provisions of this Section. Such plan shall provide, at a minimum, that the entry plaza, required pursuant to paragraph (a) of Section [93-73](#) (Public Access Areas on the Ninth Avenue Rail Yard) will be provided in connection with the construction of a #building# located on the northeast corner of the Ninth Avenue Rail Yard, that the art plaza, required pursuant to paragraph (c) of Section [93-73](#), will be provided in connection with the construction of a #building# located on the southeast corner of the Ninth Avenue Rail Yard

and that in connection with the construction of a #building# on the southwest corner of the Ninth Avenue Rail Yard, the West 31st Street connector required by paragraph (e) of Section [93-73](#), and a 20-foot wide paved area along the eastern edge of Dyer Avenue and extending for the north-south dimension of such #building# will be provided.

An application for certification under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include a site plan indicating the area and dimensions of the public access area, or portions thereof, and a detailed plan or plans demonstrating compliance with the requirements of Section [93-73](#).

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

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

No temporary certificate of occupancy from the Department of Buildings may be issued for a #building#, or portion thereof, where the total amount of #floor area# that has been #developed# or #enlarged# on the Ninth Avenue Rail Yard exceeds 3,204,000 square feet until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access areas at 450 West 33rd Street required by paragraphs (c) and (d) of Section [93-72](#) and that all public access areas on the Ninth Avenue Rail Yard required by Section [93-73](#) have been substantially completed and are open and usable by the public. Notwithstanding the foregoing, the Chairperson may, with respect to the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section [93-72](#) at 450 West 33rd Street, certify to the Commissioner of Buildings that such temporary certificate of occupancy may be issued absent their substantial completion provided that:

- (a) the owner of 450 West 33rd Street has submitted proof that all or portions of the area of the West 31st Street passageway required by paragraph (c) of Section [93-72](#) was at any time subject to a lease with an expiration date of December 31, 2019, and was not able to obtain control of the areas subject to such lease on or before December 31, 2017;
- (b) a letter of credit has been posted in accordance with City requirements, and such letter of credit:
 - (1) is in an amount equal to 200 percent of the estimated cost to construct the public access area and the elevator at 450 West 33rd Street, required by paragraphs (c) and (d) of Section [93-72](#), respectively, as set forth in a cost estimate prepared by a professional engineer. Such cost estimate shall be based upon construction documents prepared by a registered architect and submitted with the application for certification pursuant to this Section, and shall be subject to review and acceptance by the City; and
 - (2) authorizes the City to draw upon the letter of credit if such public access area and elevator have not been substantially completed and are not open and usable by the public by December 31, 2022;
- (c) that an easement agreement has been recorded granting the City access to 450 West 33rd Street and the Ninth Avenue Rail Yard, as may be necessary for purposes of constructing the public access area and elevator required by paragraphs (c) and (d) of Section [93-72](#), respectively, if they are not completed by the owner by December 31, 2022; and

- (d) in addition to the foregoing, such letter of credit shall be maintained from the date of certification for temporary certificates of occupancy, pursuant to this Section, until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section [93-72](#) have been substantially completed and are open and usable by the public, or until same have been substantially completed by the City. The Chairperson may, no more frequently than annually, require the submission of an updated or new letter of credit in an amount that reflects changes in costs over time, and such updated or new letter of credit shall be subject to the requirements and procedures of paragraph (b) of this Section, until such letter of credit is released based upon substantial completion.

Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section [93-734](#) (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with a phase of #development#, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, has been fully completed in accordance with the plan therefor, and that such public access area, or portions thereof, are open and useable by the public.

93-733 - Certification to modify general requirements of public access areas for ventilation demands

LAST AMENDED
4/29/2014

The Chairperson of the City Planning Commission may modify the general requirements of the public access areas listed in Section [93-73](#) (Public Access Areas on the Ninth Avenue Rail Yard), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Ninth Avenue Rail Yard. In addition to the site plan required pursuant to Section [93-732](#) (Certification for public access areas on the Ninth Avenue Rail Yard), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-734 - Certification to temporarily modify public access areas for construction staging

LAST AMENDED
4/29/2014

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that the area designated for public access will be required for construction staging or similar activities in a future phase of #development#, the application for the site plan approval may be accompanied by a request for approval of a temporary public area which may include fewer amenities and other features required pursuant to Section [93-73](#) (Public Access Areas on the Ninth Avenue Rail Yard), as necessary to accommodate such future construction staging or similar activities.

Such temporary public access area plan shall be subject to review and approval in the same manner as site plan approval pursuant to Section [93-732](#) (Certification for public access areas on the Ninth Avenue Rail Yard) and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site plan shall be implemented.

93-74 - Public Access Areas in Pennsylvania Station Subarea B4

The provisions of this Section shall apply to any #development# in the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

(a) Public space

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

(b) Through block connection

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

(c) Plaza

A publicly-accessible plaza, open to the sky, may be provided at the intersection of Eighth Avenue and West 31st Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31st Street, and be provided in accordance with the standards for #public plazas# set forth in Section [37-70](#), inclusive.

(d) Corner circulation space

Corner circulation spaces shall be provided at the corners of Eighth Avenue and West 31st Street and Eighth Avenue and West 33rd Street. Such spaces shall comply with the requirements for corner circulation spaces of paragraph (d) of Section [37-53](#). Such spaces shall count towards meeting the pedestrian circulation space requirements of Section [93-63](#). However, no corner circulation space shall be required at the corner of Eighth Avenue and West 31st Street if a plaza is provided at such corner in accordance with paragraph (c) of this Section.

93-75 - Publicly Accessible Open Spaces in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible open spaces are listed in this Section, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the #High Line# as described within this Section, inclusive. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B identifies the location of publicly accessible open spaces.

General requirements for each publicly accessible open space are set forth within this Section. Design requirements for each publicly accessible open space are set forth in Section [93-77](#) (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible open space is set forth in Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F).

All publicly accessible open spaces listed in this Section shall be accessible to the public from the hours of 6:00 a.m. to 1:00 a.m. with the exception of the #High Line# and the Northeast Plaza. The Northeast Plaza shall provide hours of access pursuant to Section 37-727.

93-751 - General requirements for the Western Open Space

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the “Western Open Space”), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that amenities that are provided in accordance with this Section and Section [93-77](#) (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Western Open Space.

(a) General purpose

The Western Open Space is intended to serve the following purposes:

- (1) to provide a major open space that joins the northern portion of the #High Line# open space network on its west to the open space networks leading to the Hudson Park and Boulevard on its east;
- (2) to provide a large open lawn area overlooking the Hudson River for public use and enjoyment; and
- (3) to provide transition areas that offer shade, supplemental space between the open lawn and surrounding #building# and connections between surrounding publicly accessible open spaces.

(b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly #street line# of Twelfth Avenue.

(c) Core elements

The Western Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum area of one acre. Any lawn area located within 40 feet of a #building# wall on Sites 1 or 5 shall not contribute towards this one acre requirement. The required lawn area shall be comprised of the following amenities:

- (i) a continuous lawn area shall be provided over a minimum of 75 percent of the required one acre. Such area shall have a maximum slope of three degrees and unobstructed visual access toward the Hudson River; and
- (ii) a transitional lawn area may be provided for a maximum of 25 percent of the required one acre of lawn area. Such area need not be continuous, and shall have a maximum slope of 15 degrees. Trees and other

plantings shall be permitted in such area.

(2) #High Line# connection

Access to the #High Line# shall be provided along a minimum of 75 feet and a maximum of 150 feet of #High Line# frontage length. Such frontage need not be continuous, however, in order to qualify as unobstructed access that contributes to the minimum 75 foot requirement set forth in this paragraph (c)(2), a minimum frontage width of five feet is required. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section [93-756](#) (General requirements for the High Line).

(3) Supplemental area

Any space provided in the Western Open Space which does not meet the criteria for lawn area set forth in paragraph (c)(1) of this Section or the criteria for the #High Line# connection set forth in paragraph (c)(2) shall be designated as supplemental area and shall comply with the requirements set forth in this paragraph (c)(3).

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the Allee of the West 32nd Street Extension, as defined in paragraph (c)(2) of Section [93-761](#) and shown on Map 3 in Appendix B, to the #High Line#, and the second such pedestrian access shall link the West 31st Street Extension to the #High Line#.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Permanent structures such as food or information kiosks, pavilions or public restrooms may be placed within the supplemental area, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet, and such structures shall be exempt from the definition of #floor area#.

(d) Transparency

For portions of #buildings# on Site 1 and Site 5 fronting upon the Western Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted transparent material.

(e) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 32nd Street Extension shall be permitted to encroach upon the supplemental area of the Western Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Western Open Space, pursuant to Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F).

A publicly accessible open space, (henceforth referred to as the “Central Open Space”), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that portions of a #building# on Site 3 and amenities that are provided in accordance with Sections [93-75](#) and [93-77](#) (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Central Open Space.

(a) General purpose

The Central Open Space is intended to serve the following purposes:

- (1) to serve as a neighborhood open space;
- (2) to provide amenities for area residents, workers and the general public; and
- (3) to provide areas that offer varied programs, supplemental spaces between amenities and surrounding #buildings# and connections between surrounding publicly accessible open spaces.

(b) Location and dimensions

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31st Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 that are not covered by #buildings# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Central Open Space shall have a minimum dimension in the north-south direction as measured from the southerly #street line# of the West 32nd Street Extension to the northerly #street line# of the West 31st Street Extension of 175 feet. In addition, the minimum dimension of the Central Open Space in the north-south direction between the northern boundary of Site 3 and the southerly #street line# of the West 32nd Street Extension shall be 55 feet.

The Central Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of the Connector to the westerly #street line# of Eleventh Avenue of 545 feet. In addition, the minimum dimension of the open space in the east-west direction between the eastern boundary of Site 3 and the western boundary of Site 4 shall be 265 feet.

Within 350 feet of the Eleventh Avenue #street line#, the maximum height of the finished grade of the Central Open Space shall be 45 feet above the Manhattan Datum, which is 2.75 feet above sea level. Beyond 350 feet of Eleventh Avenue, the maximum height of the finished grade shall be 47 feet above the Manhattan Datum.

(c) Core elements

The Central Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum aggregate area of 10,000 square feet and a maximum slope of three degrees. Such area need not be continuous. Any lawn area located within 12 feet of a #building# wall on Sites 3 or 4 shall not contribute towards such minimum gross area.

(2) Playground

A playground shall be provided with a minimum area of 10,000 square feet.

(3) Supplemental area

Any space in the Central Open Space other than the required lawn area set forth in paragraph (c)(1) of this Section or the required playground space set forth in paragraph (c)(2) of this Section, shall be designated as supplemental area and shall comply with the requirements set forth in this Section.

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 1,500 square feet of the supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. Such pedestrian access shall link the West 31st and West 32nd Street Extensions and be no closer than 150 feet to one another at any point.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Within 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 7.5 degrees, or a maximum height of two feet. Beyond 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 15 degrees.

(d) Permanent structures

Permanent structures, such as food or information kiosks, pavilions or public restrooms may be placed within the Central Open Space, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet and such structures shall be exempt from the definition of #floor area#.

(e) Transparency

For portions of #buildings# in Site 4 fronting upon the Central Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted, transparent material.

(f) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 31st Street Extension shall be permitted to encroach upon the supplemental area of the Central Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Central Open Space, pursuant to Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-753 - General requirements for the Southwest Open Space

A publicly accessible open space, (henceforth referred to as the “Southwest Open Space”), shall be provided in Subdistrict F. Such accessible open space shall be open to the sky, except that portions of a #building or other structure# on Site 5, the #High Line# and amenities that are provided in accordance with Sections [93-75](#) and [93-77](#) (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Southwest Open Space.

(a) General purpose

The Southwest Open Space is intended to serve the following purposes:

- (1) to serve as an inviting pedestrian gateway to the Western Rail Yard from open space networks along the Hudson River;
- (2) to provide pedestrian amenities and connections between surrounding public spaces both on and adjacent to the Western Rail Yard; and
- (3) to offer a unique open space experience for pedestrians through the negotiation of the area’s grade changes.

(b) Location and minimum dimensions

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6 and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a #building or other structure# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Southwest Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of Twelfth Avenue to the western boundary of Site 6 of 400 feet. However, if the length of Site 6 is extended to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section [93-568](#) (Site 6), the minimum dimension of the Southwest Open Space shall be 360 feet.

The Southwest Open Space shall have a minimum dimension in the north-south direction as measured from the northerly #street line# of West 30th Street to the southern boundary of the Western Open Space of 180 feet and a maximum dimension of 200 feet.

(c) Core elements

The Southwest Open Space shall have the following core elements. For the purpose of determining the amount of an amenity to provide in relation to the area of the Southwest Open Space, the area of the Southwest Open Space shall exclude the area occupied by a #building or other structure# on Site 5 and the #High Line#.

A minimum of 50 percent of the area of the Southwest Open Space shall be landscaped with soft ground cover, and the remaining 50 percent of the Southwest Open Space may be paved. At least one tree shall be provided for every 1,500 square feet of Southwest Open Space.

An unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the West 31st Street Extension. If such pedestrian access contains ‘switchbacks,’ comprised of a series of ascending pedestrian ways, the minimum distance between midpoints of each way, as measured, in plan, from the northerly edge of one way to the southerly edge of the next ascending way shall be 15 feet.

A second unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the #High Line bed# or with an elevator located adjacent to the #High Line# that provides public access to the #High Line bed#. Such access need not be opened to the public until the #High Line# is reconstructed as public

open space in accordance with the provisions of Section 93-756.

A minimum of one linear foot of seating shall be provided for every 75 square feet of soft ground cover provided within the Southwest Open Space. At least 50 percent of such required seating shall provide seatbacks.

Permanent structures, such as food or information kiosks, pavilions or public restrooms shall be permitted within the Southwest Open Space, provided the height of such structures does not exceed 20 feet. The maximum area #lot coverage# that all such permanent structures may occupy shall be 1,000 square feet, provided that such structures are located entirely west of the #High Line#. Such permanent structures shall be exempt from the definition of #floor area#.

(d) Permitted encroachments from private streets

The terminus of the West 31st Street Extension shall be permitted to encroach upon the Southwest Open Space, provided that the site and landscape plans for the West 31st Street Extension are approved in conjunction with the Southwest Open Space, pursuant to Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-754 - General requirements for the Northeast Plaza

LAST AMENDED

4/29/2014

A publicly accessible open space, (henceforth referred to as the “Northeast Plaza”), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The area of such space shall be at least 2,600 square feet, and shall have a minimum #street# frontage of 40 feet along each #street#. The Northeast Plaza shall be provided in accordance with the standards for #public plazas#, as set forth in Section [37-70](#) (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

93-755 - General requirements for the Midblock Connection

LAST AMENDED

4/29/2014

A pedestrian way, (henceforth referred to as the “Midblock Connection”), shall be provided between West 33rd Street and the West 32nd Street Extension, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(a) General purpose

The Midblock Connection is intended to serve the following purposes:

- (1) to provide pedestrian access between West 33rd Street and the Western Rail Yard Subdistrict F; and
- (2) to provide amenities similar to a through block public plaza.

(b) Location and dimensions

The entirety of the Midblock Connection shall be located between 335 feet and 455 feet west of the westerly Eleventh Avenue #street line#.

The minimum width of the Midblock Connection, measured in the east-west direction, shall be 60 feet.

(c) Core elements

The Midblock Connection shall provide the following core elements:

- (1) A minimum of one unimpeded pedestrian access, with a minimum width of 12 feet, shall be provided to connect the West 32nd Street Extension with West 33rd Street;
- (2) A minimum of one linear foot of seating shall be provided for every 75 square feet of the Midblock Connection. A minimum of 50 percent of the required seating shall provide seatbacks; and
- (3) A minimum of 20 percent of the gross area of the Midblock Connection shall be landscaped with soft ground cover, and shall provide a minimum of one tree per every 1,500 square feet.

93-756 - General requirements for the High Line

LAST AMENDED

2/2/2011

For the portion of the #High Line# that is located within the boundary of Subdistrict F, the following provisions shall apply.

(a) General purpose

The #High Line# is intended to serve the following purposes:

- (1) to serve as a continuation of the #High Line# public open space to the east and to the south of West 30th Street;
- (2) to offer a pedestrian and passive open space experience similar to the #High Line# open space south of West 30th Street, through planting, materials and amenities, while taking into account the nature and character of the Western Rail Yard Subdistrict F; and
- (3) to allow for connections to other public areas on the Western Rail Yard Subdistrict F.

(b) Permitted #uses#

Any permitted change of #use# for the #High Line# shall be made pursuant to the provisions of Section [93-10](#) (USE REGULATIONS).

(c) Core elements

The #High Line# open space shall provide amenities including, but not limited to, planting, seating and lighting designed to complement and be integrated with portions of the #High Line# south of West 30th Street in a manner that provides both visual and pedestrian continuity along the #High Line# open space network. The #High Line# open space shall not be subject to the design criteria for public access areas in Subdistrict F set forth in Section [93-77](#).

The site and landscape plans for the #High Line# approved pursuant to Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F) shall make provision for access points to and from the #High Line# open space, including the public access provided in the Southwest Open Space pursuant to Section [93-753](#) (General requirements for the Southwest Open Space) and, subject to agreement, shall include support facilities necessary for the operation, maintenance and public enjoyment of the #High Line# open space located in Subdistrict F, or at other locations north of West 30th Street.

(d) Certification to modify requirements adjacent to the #High Line#

The Chairperson of the City Planning Commission may modify certain regulations on adjacent development sites 1 through 6, provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary in order to provide access to the #High Line# open space or to accommodate facilities for the #High Line# open space, and that such change is compatible with the character of developed portions of the #High Line# south of West 30th Street.

The following regulations may be modified:

- (1) The ground floor level requirements set forth in Section [93-14](#) (Ground Floor Level Requirements), where applicable;
- (2) The unobstructed five foot separation between the #High Line# and a #street wall# on Sites 1, 5 and 6 required pursuant to paragraph (a) of Section [93-561](#) (General rules for Subdistrict F) in order to accommodate a pedestrian access way, open to the sky, between the #High Line# and such development sites. However, the required five foot #street wall# separation from the edge of the #High Line# shall not be modified;
- (3) The #street wall# requirements for Site 6 set forth in Section [93-562](#) (Street wall regulations for certain streets), only as necessary to accommodate pedestrian access onto the #High Line#;
- (4) The general requirements for the Western Open Space and the Southwest Open Space set forth in Section [93-75](#) (Publicly Accessible Open Spaces in Subdistrict F); and
- (5) The general requirements for the 30th Street Corridor set forth in Section [93-76](#) (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

Any application for such change shall be included in the application for the site and landscape plans submitted pursuant to the provisions of Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F) for the #High Line# open space.

93-76 - Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F

LAST AMENDED

4/29/2014

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section [93-75](#). Such private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

General requirements for each publicly accessible private street and pedestrian way are set forth within this Section. Design requirements for each publicly accessible private street and pedestrian way are set forth in Section [93-77](#) (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible private street and pedestrian way are set forth in Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Publicly accessible private streets and pedestrian ways listed in this Section shall be accessible to the public at all times.

93-761 - General requirements for the West 32nd Street Extension

LAST AMENDED

4/29/2014

A private street, (henceforth referred to as the “West 32nd Street Extension”), shall be provided south of and parallel to West 33rd Street.

(a) General purpose

The West 32nd Street Extension is intended to serve the following purposes:

- (1) to serve as the primary publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;
- (2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts;
- (3) to provide a unique urban park-like experience for an active public #street# by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian Allee, as defined in paragraph (c)(2) of this Section and shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B; and
- (4) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street #street line#, as shown on Map 3 in Appendix B, except that a terminus to the West 32nd Street Extension, located west of the Connector shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section [23-751](#) (General requirements for the Western Open Space).

(c) Core elements

The West 32nd Street Extension shall provide the following core elements:

(1) Streets and sidewalk requirements

The West 32nd Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

- (i) a road bed, paved with asphalt, with a minimum width pursuant to the requirements set forth by the Fire Department;
- (ii) a 20 foot minimum sidewalk along its entire northern curb; and
- (iii) a 25 foot minimum sidewalk along its entire southern curb.

(2) Planting and seating requirements for the southern sidewalk and the Allee

Two trees shall be planted for every 20 feet of southern curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension.

Along the southern sidewalk, trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the Connector shall henceforth be referred to as the Allee, as shown on Map 3 in Appendix B. No #building or other structure# shall be permitted within 15 feet of the southern edge of the Allee.

The Allee shall provide a minimum of one linear foot of seating for every 75 square feet of the Allee. A minimum of 50 percent of the required seating shall provide seatbacks.

(3) Planting requirements for the northern sidewalk

One tree shall be planted for every 25 feet of curb length of the West 32nd Street Extension along its northern curb between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Along the northern sidewalk, trees shall be planted within five feet of the curb.

(4) Curb cuts

No curb cuts shall be permitted along the West 32nd Street Extension, except for access to the Connector if required by the Fire Department.

93-762 - General requirements for the West 31st Street Extension

LAST AMENDED
4/29/2014

A private street, (henceforth referred to as the “West 31st Street Extension”), shall be provided north of and parallel to West 30th Street.

(a) General purpose

The West 31st Street Extension is intended to serve the following purposes:

- (1) to serve as a publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;
- (2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts; and
- (3) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th Street #street line#, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B, except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section [93-753](#) (General requirements for the Southwest Open Space), and/or paragraph (f) of Section [93-752](#) (General requirements for the Central Open Space), as

applicable.

(c) Core Elements

The West 31st Street Extension shall provide the following core elements:

(1) Street and sidewalk requirements

The West 31st Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

- (i) a road bed, paved with asphalt, with a minimum width pursuant to requirements set forth by the Fire Department;
- (ii) a 15 foot minimum sidewalk along its entire northern curb; and
- (iii) a 20 foot minimum sidewalk along its entire southern curb.

(2) Planting requirements for sidewalks

One tree shall be planted for every 25 feet of curb length of the West 31st Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street between Eleventh Avenue and the Connector.

(3) Curb cuts

One curb cut shall be permitted along each side of the West 31st Street Extension. The maximum width of such curb cut shall be 30 feet. A third curb cut accessing the Connector shall be permitted if required by the Fire Department.

93-763 - General requirements for the West 30th Street Corridor

LAST AMENDED

4/29/2014

A pedestrian way (henceforth referred to as the “West 30th Street Corridor”), shall be provided along the northerly sidewalk of West 30th Street adjacent to the area below the #High Line#.

(a) General purpose

The West 30th Street Corridor is intended to serve the following purposes:

- (1) to serve as a transition space between the #High Line# and the West 30th Street sidewalk;
- (2) to allow for active frontages with publicly accessible spaces for establishments below the #High Line#; and
- (3) to provide an overall streetscape design that complements and provides views of the #High Line# along West 30th Street.

(b) Location and dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30th Street and the eastern edge of the Southwest Open Space, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

In the north-south direction, the West 30th Street Corridor shall extend from the #street wall# of #buildings# beneath the #High Line# facing West 30th Street (which shall coincide with the northerly edge of the southern row of structural columns of the #High Line#) to the northerly #street line# of West 30th Street.

(c) Core elements

The West 30th Street Corridor shall have the following provisions for its core elements:

- (1) a pedestrian access area at least 10 feet in width shall be provided along the entire length of the West 30th Street Corridor, linking Eleventh Avenue with the sidewalk adjacent to the Southwest Open Space. Such area shall be located a minimum of five feet beyond the northerly curb line of West 30th Street, and shall be free of obstructions;
- (2) portions between the required pedestrian access area and the #High Line# may be paved or landscaped; and
- (3) street trees shall be planted within five feet of the northern curb of West 30th Street. One tree shall be planted for every 25 feet of curb length. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of West 30th Street.

93-764 - General requirements for the Connector

LAST AMENDED
4/29/2014

A publicly accessible connection (henceforth referred to as the “Connector”), shall be provided between the West 32nd Street Extension and the West 31st Street Extension.

(a) General purpose

The Connector is intended to serve the following purposes:

- (1) to serve as a connection between the West 32nd Street Extension and the West 31st Street Extension;
- (2) to provide a space that complements the surrounding publicly accessible open spaces; and
- (3) to provide an emergency egress connector pursuant to Fire Department standards.

(b) Location and dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(c) Core elements

The Connector shall provide the following core elements:

- (1) the Connector shall be constructed to minimum Fire Department standards for an emergency egress connection between the West 32nd Street Extension and the West 31st Street Extension, including, but not limited to, the width and materials of paved area, and permitted obstructions within such area; and
- (2) the Connector shall not be located within 15 feet of a #building#.

93-77 - Design Criteria for Public Access Areas in Subdistrict F

LAST AMENDED

4/30/2012

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

(a) Design criteria

Where private streets, pedestrian ways and publicly accessible open spaces, with the exception of the #High Line#, provide elements listed in this Section, such elements shall comply with the applicable minimum design standards, set forth in paragraph (a) of this Section, as a minimum design standard.

(1) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section [37-741](#), inclusive.

(2) Planting and trees

Where planting areas are provided, they shall meet the planting bed requirements and irrigation requirements of Section [37-742](#) (Planting and trees).

Where trees are provided, they shall meet the applicable minimum tree caliper standards, soil requirements and irrigation standards set forth in Section [37-742](#), except that within the Western Open Space, the Central Open Space and the Southwest Open Space, the soil requirements for tree planting shall not apply. In lieu thereof, all trees in the Central and Western Open Spaces shall be planted in areas with soil depth of at least five feet. In the Southwest Open Space, all trees shall be planted in continuous planted areas that have a minimum depth of five feet and a minimum area of 500 square feet of soil.

(3) Paving

Paving, exclusive of the required asphalt paving of the West 31st and West 32nd Street Extension roadbeds, shall meet the minimum standards set forth in Section [37-718](#).

(4) Steps

Steps shall meet the minimum dimensional standards set forth in Section [37-725](#).

(5) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section [37-73](#) (Kiosks and Open Air Cafes). Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section [93-75](#) (Publicly Accessible Open Spaces in Subdistrict F).

(6) Standards of accessibility for persons with disabilities

All publicly accessible open spaces, private streets and pedestrian ways shall be designed pursuant to the standards of accessibility for persons with disabilities set forth in Section 37-728.

(7) Lighting and electrical power

All publicly accessible open spaces, private streets and pedestrian ways shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743.

(8) Litter receptacles

All publicly accessible open spaces, private streets and pedestrian ways shall provide litter receptacles pursuant to the standards set forth in Section 37-744.

(9) Bicycle parking

Bicycle racks sufficient to accommodate at least 25 bicycle parking spaces shall be provided in the Southwest Open Space, bicycle racks sufficient to accommodate at least 30 bicycle parking spaces shall be provided in the Central Open Space and bicycle racks sufficient to accommodate at least 33 bicycle parking spaces shall be provided in the Western Open Space. Such racks shall be located adjacent to a paved circulation path within the open space or in public sidewalks adjacent to the open space.

(10) Playgrounds and additional amenities

Where playgrounds and additional amenities are provided in publicly accessible open spaces, such amenities shall be designed pursuant to the standards set forth in Section 37-748.

(11) Signs

All open spaces within the publicly accessible open spaces shall provide open space signage pursuant to the standards set forth in Section 37-751.

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

Where #buildings# front onto publicly accessible open spaces, private streets and pedestrian ways, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section [37-726](#) (Permitted obstructions).

(13) Gates and fences

Gates, fences or other barriers shall be permitted at the perimeter of any playgrounds, tot lots or dog runs provided as part of a publicly accessible open space or pedestrian way. Additional gates, fences or other barriers shall be permitted in the Midblock Connection, the Southwest Open Space and the #High Line# only as approved as part of the site and landscape plans submitted pursuant to Section [23-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Such gates, fences or other barriers shall have a maximum height of 48 inches, as measured from the adjoining grade level, and shall be at least 70 percent open. However, where gates, fences or other barriers are mounted on a solid curb, such minimum transparency shall not include the surface area of the curb, provided that the height

of such curb does not exceed six inches.

Chain link fencing or barbed or razor wire shall not be permitted.

(14) Public restrooms

At least one public restroom shall be provided to serve either the Central Open Space or the Western Open Space, whichever is developed first pursuant to the provisions of Section [93-78](#). Such public restroom shall provide separate restroom spaces for each gender, and may be located in either the publicly accessible open space or within the ground floor of any adjacent #building#.

(b) Maintenance

The owner of each of Sites 1 through 6 in Subdistrict F shall be responsible for the maintenance of all publicly accessible open spaces, private streets and pedestrian ways, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the portion of the Subdistrict associated with such site in the phased development provided in the site and landscape plans required pursuant to Section [93-78](#). Notwithstanding the foregoing, maintenance of the #High Line# shall be governed by such agreements as are entered into with respect thereto.

(c) Interim #use#

Open #uses# listed in Use Group 4B, with the exception of cemeteries and golf courses, shall be permitted as interim #uses# within the designated boundary of any public access area described in Sections [93-75](#) or [93-76](#) (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F) with the exception of the #High Line# open space, or within the designated boundary of any development site described in Section [93-56](#) (Special Height and Setback Regulations in Subdistrict F). Such interim #uses# may be #developed# prior to the approval of the site and landscape plans for the public access area in which it is located, and may continue until such time as development commences on such public access area pursuant to the approved site and landscape plans. Any such interim #uses# shall be open to and usable by the public, and may include temporary structures, provided that all associated #floor area# is appurtenant to the interim #use#.

93-78 - Site and Landscape Plans for Public Access Areas in Subdistrict F

LAST AMENDED

4/29/2014

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

All publicly accessible open spaces, or portions thereof, listed in Section [93-75](#) (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways, or portions thereof, listed in Section [93-76](#) (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), shall comply with the following provisions:

- (a) No building permit shall be issued for any #development# or #enlargement# within Subdistrict F unless the Chairperson of the City Planning Commission has certified to the Commissioner of Buildings that the site and landscape plans for the Subdistrict F public access area have been approved by the Chairperson pursuant to the provisions of this Section. Notwithstanding the foregoing, the Chairperson shall allow for the phased development of public access areas, or portions thereof, upon certification to the Commissioner of Buildings that site and landscape plans have been submitted that provide for the completion of public access areas in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.

- (b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include:
- (1) a site plan indicating the area and dimensions of the public access area, or portions thereof, and the location of all proposed #buildings# in the phase subject to the application;
 - (2) a landscape plan, prepared by a registered landscape architect, for the public access area, or portions thereof, in the phase subject to the application; and
 - (3) a report to the Chairperson demonstrating:
 - (i) that the site and landscape plans have been presented by the applicant to the affected Community Board, City Council Member and Borough President and the Community Board, City Council Member and Borough President have had at least 60 days to review; and
 - (ii) that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered by the applicant, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall identify how the design has been modified.
- (c) The Chairperson of the City Planning Commission shall approve the site and landscape plans within 45 days following filing, provided that the following provisions are met:
- (1) the site and landscape plans provide for the improvement of the public access area, or portions thereof, which, taking into account relevant considerations relating to platform construction and engineering, are:
 - (i) of sufficient size to provide a valuable public amenity and promote site access for the benefit of residents and workers in the #buildings# in the phase to which they relate, as well as for the general public; and
 - (ii) appropriately sited and located in suitable proximity to the #building# locations in the phase to which they relate.
 - (2) the site and landscape plans are consistent with the general purposes and contain the core elements listed in Sections [93-75](#) and [93-76](#), inclusive;
 - (3) all elements in the site and landscape plans comply with the design criteria as set forth in Section [93-77](#) (Design Criteria for Public Access Areas in Subdistrict F), or, in the case of the #High Line#, that the elements in the landscape plan comply with the criteria set forth in paragraph (c) of Section [93-756](#) (General requirements for the High Line);
 - (4) the site and landscape plans are consistent and appropriate in relation to any previously approved landscape plan for other phases and in relation to conceptual plans for future phases, as applicable;
 - (5) the level of public amenity provided in the landscape plan is equal to or better than the level of public amenity required in #public plazas# that are provided in accordance with the standards of Section [37-70](#) or, in the case of the #High Line#, than the level of public amenity provided on developed portions of the #High Line# south of West 30th Street. All public amenities that are provided in the landscape plan shall take into account the nature and character of the Subdistrict F public access areas; and
 - (6) a maintenance plan, including any necessary maintenance facilities for the public access area, or portions thereof, in the phase, has been established that will ensure compliance with the provisions of paragraph (b) of Section [93-77](#).

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

- (d) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with the site and landscape plans, and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the site and landscape plans for the public access area, or portions thereof associated with such phase. Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section [93-782](#) (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within the phase until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with the phase previously improved pursuant to the temporary public access area plan, has been fully completed in accordance with the site and landscape plans therefor, and that the public access area, or portions thereof, are open to and useable by the public.
- (e) Where a phase of development results in all development sites in Subdistrict F, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, having been #developed# in whole or in part pursuant to the provisions of Section [93-56](#) (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially complete, and are open to and useable by the public. However, in the event that the site and landscape plans for the #High Line# open space have not been approved, pursuant to paragraph (c) of this Section, at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are substantially complete.

93-781 - Certification to modify general requirements of public access areas for ventilation demands

LAST AMENDED
12/21/2009

The Chairperson of the City Planning Commission may modify the general requirements of the publicly accessible open spaces listed in Section [93-75](#) (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways listed in Section [93-76](#) (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the

Western Rail Yard. In addition to the site and landscape plans required pursuant to Section [93-78](#), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-782 - Certification to temporarily modify public access areas for construction staging

LAST AMENDED

2/2/2011

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that a public access area will be required for construction staging or similar activities in a future phase of #development# or #enlargement#, the application for the site and landscape plans may be accompanied by a request for approval of a temporary public access area plan for the public access area which may include fewer than all core elements required as part of a phase of #development# or #enlargement# of such public access area pursuant to paragraph (c)(2) of Section [93-78](#) (Site and Landscape Plans for Public Access Areas in Subdistrict F), as necessary to accommodate such future construction staging or similar activities. Such temporary public access area plan shall be subject to review and approval in the same manner as the site and landscape plans, pursuant to Section [93-78](#) and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site and landscape plans, including all core elements for such public access area, shall be implemented.

93-80 - OFF-STREET PARKING REGULATIONS

LAST AMENDED

5/8/2013

In Subdistricts A, B, C, D and E, the regulations governing permitted #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall not apply, except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistricts F and G, the regulations of Article I, Chapter 3, shall apply.

93-81 - Definitions

LAST AMENDED

12/20/2018

Hudson Yards parking regulations applicability area

The “Hudson Yards parking regulations applicability area” is comprised of Subdistricts A, B, C, D and E of the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District# and Subdistrict A-2 of the #Special Garment Center District#

Hudson Yards development parking supply

The “Hudson Yards development parking supply” shall be the aggregate number of off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking lots# and #public parking garages# in the #Hudson Yards parking regulations applicability area#:

- (a) that have been constructed, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010, to the extent that such spaces satisfy the ratios of Section [93-821](#);
- (b) that have been constructed, pursuant to a City Planning Commission special permit approved subsequent to January 19, 2005, and before April 14, 2010;
- (c) for which the Chairperson has issued a certification, pursuant to Section [93-821](#), paragraph (e); and
- (d) that have been approved by Board of Standards and Appeals variance, pursuant to Section [72-21](#), to the extent that such spaces satisfy the ratios of Section [93-821](#).

However, all off-street parking on Site 1, as shown on the map of the Special 42nd Street Perimeter Area in Appendix A of the #Special Clinton District# (Article IX, Chapter 6), shall be counted toward the #Hudson Yards development parking supply#.

For purposes of this definition, “constructed” shall include any off-street parking spaces in #accessory# or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were completed on April 14, 2010, under construction on such date with the right to continue construction pursuant to Section [11-331](#) or granted a City Planning Commission special permit after January 19, 2005, where such permit had not lapsed as of April 14, 2010.

Public parking

“Public parking” shall be off-street parking that is open to the public during the business day for hourly, daily or other time-defined rental of parking spaces, for which a fee is charged.

Reservoir deficit

The “reservoir deficit” shall be the amount by which the #reservoir surplus# is less than zero.

Reservoir parking supply

The “reservoir parking supply” shall be the sum of:

- (a) all off-street parking spaces lawfully operating as of May 27, 2009, in the #Hudson Yards parking regulations applicability area# as #public parking#; and
- (b) any off-street parking spaces for which a valid building permit had been issued, as of May 27, 2009, and which have been constructed before April 14, 2010.

However, any off-street parking space that satisfies the definition of the #Hudson Yards development parking supply# in this Section shall not be counted as part of the #reservoir parking supply#.

For purposes of this definition, “constructed” shall include any off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were either completed on April 14, 2010, or under construction on such date with the right to continue construction pursuant to Section [11-331](#).

Reservoir surplus

The initial #reservoir surplus# shall be 3,600 off-street parking spaces. The “reservoir surplus” shall be increased by:

- (a) the aggregate number of off-street parking spaces in the #reservoir parking supply# for which a building permit has been issued, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010;
- (b) the number of off-street parking spaces in the #Hudson Yards parking regulations applicability area# above the ratios permitted in Section [93-821](#), either certified by the Chairperson pursuant to Section [93-822](#), paragraph (c), or by City Planning Commission special permit, pursuant to Section [93-823](#); and
- (c) the number of off-street parking spaces lawfully added in the #Hudson Yards parking regulations applicability area#, other than those permitted pursuant to Section [93-80](#), inclusive, except for any increase by Board of Standards and Appeals variance that is counted as part of the #Hudson Yards development parking supply#;

The #reservoir surplus# shall be decreased by:

- (a) the aggregate number of parking spaces counted at any time in the #reservoir parking supply#, that subsequently are:
 - (1) reduced through modification or discontinuance of the applicable Department of Consumer Affairs license or certificate of occupancy or otherwise cease operation permanently; or
 - (2) not constructed in accordance with the applicable building permit, as reflected in a modification of such building permit or the issuance of a certificate of occupancy for a reduced number of spaces; or
- (b) the issuance of a certificate of occupancy for a #development# or #enlargement# providing a smaller number of spaces than allowed, pursuant to Section [93-821](#), to the extent of the difference between the number of #accessory# off-street parking spaces allowed, and the number provided. However, this paragraph shall not apply to Sites 2, 3, 4 and 5, as shown on Map 6 of Appendix A, and shall apply to no more than 200 #accessory# off-street parking spaces on Site 6 as shown on Map 6.

Substantial construction

“Substantial construction” shall mean the substantial enclosing and glazing of a new #building# or of the #enlarged# portion of an existing #building#.

93-82 - Permitted Parking

LAST AMENDED

4/14/2010

#Developments# or #enlargements# in the #Hudson Yards parking regulations applicability area# may provide #accessory# parking spaces in accordance with the provisions of this Section. The provisions of Sections [36-52](#) (Size, Location and Identification of Spaces) and [36-53](#) (Width of Curb Cuts and Location of Access to the Street) shall apply to all permitted #accessory# off-street parking spaces.

93-821 - Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

- (a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section [23-911](#), #accessory# off-street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.
- (b) For Use Group 5 #transient hotels#, the applicable provisions of Section [13-12](#) (Permitted Parking for Non-residential Uses) shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.
- (c) For Use Group 6B offices, not more than 0.16 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#.
- (d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph (d):
 - (1) for #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#;
 - (2) for #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces; and
 - (3) in no event shall the total number of #accessory# off-street parking spaces for all #uses# exceed 1,000.
- (e) The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section, unless the Chairperson has certified that:
 - (1) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(1)(i), (e)(1)(ii) and (e)(1)(iii), is less than or equal to 5,084 spaces:
 - (i) the #reservoir surplus# or zero;
 - (ii) the #Hudson Yards development parking supply#; and
 - (iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and
 - (2) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(2)(i), (e)(2)(ii), (e)(2)(iii) and (e)(2)(iv), is less than or equal to 5,905 spaces:
 - (i) all off-street parking spaces in the #Hudson Yards parking regulations applicability area# that have been categorized, in accordance with the definition in Section [93-81](#), as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section [93-81](#);
 - (ii) all off-street parking spaces in the #Hudson Yards parking regulations applicability area# that have been

categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section [93-81](#);

- (iii) the #Hudson Yards development parking supply#; and
 - (iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.
- (3) Notwithstanding paragraphs (e)(1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yard Subarea A1 as required by the provisions of Section [93-70](#), and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yard Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e)(1) and (e)(2), respectively.
- (4) Any certification granted by the Chairperson, pursuant to this Section, shall lapse after two years if #substantial construction# of the #development# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-822 - Permitted parking when a reservoir deficit exists

LAST AMENDED
4/29/2014

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

- (a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by the applicable provisions of Section [13-12](#) (Permitted Parking for Non-residential Uses).
- (b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section [93-821](#), paragraph (b).
- (c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:
 - (1) a #reservoir deficit# exists;
 - (2) the number of #accessory# off-street parking spaces in excess of the number permitted by Section [93-821](#), proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and
 - (3) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section [93-821](#) does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e) (3) of Section [93-821](#).

- (d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-823 - Parking permitted by special permit

LAST AMENDED
5/8/2013

When a #reservoir deficit# exists, the City Planning Commission may allow, by special permit, Use Group 6B offices to exceed the number of #accessory# off-street parking spaces permitted by Section [93-822](#), provided that:

- (a) within the vicinity of the site, there are insufficient parking spaces available;
- (b) the facility will not create or contribute to serious traffic congestion nor unduly inhibit vehicular and pedestrian movement;
- (c) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and
- (d) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this condition.

In addition, the Commission shall find that the number of #accessory# off-street parking spaces in excess of the number permitted by Section [93-821](#), proposed to be added by the #development# or #enlargement# that is the subject of the application under review, does not exceed the #reservoir deficit#; and that such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section [93-821](#) do not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section [93-821](#). In making such finding, the Commission shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

93-824 - Publication of data

LAST AMENDED
4/14/2010

The Department of City Planning shall make available, in a form easily accessed by the public, regularly updated calculations of the current #Hudson Yards development parking supply#, #reservoir parking supply#, spaces described in paragraphs (e)(2)(i) and (e)(2)(ii) of Section [93-821](#), and #reservoir surplus# or #reservoir deficit#, as applicable.

93-83 - Use and Location of Parking Facilities

LAST AMENDED
5/8/2013

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

- (a) All off-street parking spaces #accessory# to #residences# shall be used exclusively by the occupants of such #residences#. Except in the Eastern Rail Yard Subarea A1, all off-street parking spaces #accessory# to Use Group 5 #transient hotels# and Use Group 6B offices may be made available for public use. No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.
- (b) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
- (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
 - (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor# #area#, so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

93-831 - Authorization for above-grade parking

LAST AMENDED
2/2/2011

The City Planning Commission may authorize parking facilities that do not comply with the provisions of paragraph (b) of Section [93-83](#) (Use and Location of Parking Facilities) and may authorize floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

- (a) below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-way or other conditions that impose practical difficulties for the construction of below-grade parking facilities;
- (b) the scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;
- (c) the materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;
- (d) the ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining #streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;
- (e) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential# #floor area#, to minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;
- (f) for portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties; and
- (g) the location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

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

93-84 - Curb Cut Restrictions

LAST AMENDED
4/14/2010

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

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

93-841 - Curb cut restrictions in the Large-Scale Plan Subdistrict A

LAST AMENDED
4/14/2010

In Subarea A2 of the Large-Scale Plan Subdistrict A, curb cuts for parking and loading facilities shall be prohibited on West 34th Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33rd Street or West 35th Street to access a required parking or loading facility.

93-842 - Curb cut restrictions in the Farley Corridor Subdistrict B

LAST AMENDED
4/14/2010

No curb cuts shall be permitted on Eighth or Ninth Avenues between West 31st and West 33rd Streets. In the Pennsylvania Station Subarea B4, the maximum aggregate width of curb cuts on West 33rd Street shall be 90 feet. On the south side of West 33rd Street between the Lincoln Tunnel Approach and Ninth Avenue, the maximum aggregate width of curb cuts shall be 90 feet.

93-85 - Authorization for Additional Curb Cuts

LAST AMENDED
4/14/2010

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

93-90 - HARASSMENT

LAST AMENDED
12/20/2018

- (a) Definitions
 - (1) Anti-harassment area

“Anti-harassment area” shall mean the #Special Hudson Yards District# and Subdistrict A-2 of the #Special Garment Center District#.

(2) Application date

“Application date” shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

(3) Certification of no harassment

“Certification of no harassment” shall mean a certification by the Department of Housing Preservation and Development pursuant to this Section that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(4) Cure compliance lot

“Cure compliance lot” shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. A #cure compliance lot# may be a #cure requirement lot#.

(5) Cure requirement

Except as otherwise provided in paragraph (e) of this Section with respect to Subareas 4 and 5 of the Hell’s Kitchen Subdistrict D of the #Special Hudson Yards District#, “cure requirement” shall mean #floor area# in an amount not less than the greater of:

(i) 28 percent of the total #residential# and #hotel# #floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or

(ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

(6) Cure requirement lot

“Cure requirement lot” shall mean:

(i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or

(ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required for the full or partial demolition or #material alteration# of a #multiple dwelling# located in the #anti-harassment area#, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(7) Dwelling unit

“Dwelling unit” shall have the meaning set forth in the Multiple Dwelling Law.

(8) Exempt hotel

“Exempt hotel” shall mean any #multiple dwelling#:

- (i) which is a #transient hotel# and was a #transient hotel# on the #referral date#;
- (ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and
- (iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(9) Exempt institutional residence

“Exempt institutional residence” shall mean any #multiple dwelling#:

- (i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#, and
- (ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(10) Harassment

“Harassment” shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

- (i) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (ii) the interruption or discontinuance of essential services which
 - (a) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit#, and
 - (b) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;
- (iii) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or
- (iv) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

(11) Inquiry period

“Inquiry period” shall mean a period which:

- (i) commences upon the later of the #referral date# or a date which is 15 years prior to the #application date#, and
- (ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

- (a) set such commencement date upon any date which is on or after the #referral date# and is more than 15 years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section, and
- (b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(12) Low income housing

“Low income housing” shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than 80 percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(13) Material alteration

“Material alteration” shall mean any alteration to a #multiple dwelling# or other #building#, including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling# or other #building#, #converts# #floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

- (i) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#, or
- (ii) a repair or replacement of existing elements of such #multiple dwelling# or other #building# without materially modifying such elements.

(14) Multiple dwelling

“Multiple dwelling” shall have the meaning set forth in the Multiple Dwelling Law.

(15) Referral date

“Referral date” shall mean June 21, 2004.

(16) Restrictive declaration

“Restrictive declaration” shall mean a legal instrument which:

- (i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#,
 - (ii) provides that the #low income housing# must comply with the requirements of Section [23-90](#) for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development,
 - (iii) contains such other terms as the Department of Housing Preservation and Development shall determine,
 - (iv) has been approved by the Department of Housing Preservation and Development,
 - (v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors,
 - (vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors, and
 - (vii) is perpetual in duration.
- (17) Rooming unit

“Rooming unit” shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

- (1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, the Department of Buildings shall not issue a permit for:
 - (i) the full or partial demolition of a #multiple dwelling# located in the #anti-harassment area#; or
 - (ii) the #material alteration# of a #multiple dwelling# located in the #anti-harassment area#.
- (2) Any permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:
 - (i) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or
 - (ii) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.
- (3) The following structures shall be exempt from the provisions of this Section:
 - (i) any city-owned #multiple dwelling#;
 - (ii) any #multiple dwelling# which is the subject of a program approved by Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;
 - (iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;
 - (iv) any #exempt hotel#;

(v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and

(vi) any #exempt institutional residence#.

(4) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

(1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(2) There shall be a rebuttable presumption that any of the acts or omissions described in paragraph (a)(10) of this Section occurring within the #inquiry period# were committed by or on behalf of the owner of such #multiple dwelling# and that such acts or omissions:

(i) were committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy, and

(ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.

(3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:

(i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application,

(ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development, including, but not limited to, costs for publication of any notices, and

(iii) establish the duration for which a #certification of no harassment# will remain effective, and

(iv) authorize the rescission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such rescission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.

(4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:

(i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#,

(ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or,

where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or

(iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.

(5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.

(6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than 15 years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(11) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged harassment.

(7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.

(i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.

(ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

(8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been harassment, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

(1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

(2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

(i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a

#material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.

- (ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:
 - (a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and
 - (b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.
- (iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.
- (iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where:
 - (a) the #cure requirement lot# is not the #cure compliance lot#; and
 - (b) the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#.

Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

- (3) No portion of the #low income housing# required under this Section shall qualify to:
 - (i) increase the #floor area ratio# pursuant to the provisions of Section [23-90](#), as modified by the provisions of the #Special Hudson Yards District# and the #Special Garment Center District#; or
 - (ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

(e) Demolition in Subareas 4 and 5 of the Hell's Kitchen Subdistrict D

Notwithstanding any provision of paragraph (a)(5) of this Section or paragraph (d) of this Section to the contrary, with regard to any #multiple dwelling# to be demolished in Subareas 4 and 5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, #cure requirement# shall mean #floor area# in an amount not less than the greater of:

- (i) 40 percent of the total #residential# or #hotel# #floor area# of any #multiple dwelling# to be demolished in which #harassment# has occurred; or

- (ii) 30 percent of the total #floor area# of any new #building# on the same #zoning lot# as the #multiple dwelling# to be demolished.

93-91 - Demolition

LAST AMENDED

12/20/2018

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section [93-90](#) (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell's Kitchen Subdistrict D or within Subdistrict A-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Subdistrict A-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of #residential# #floor area# in such #multiple dwelling# by 20 percent or more, unless:

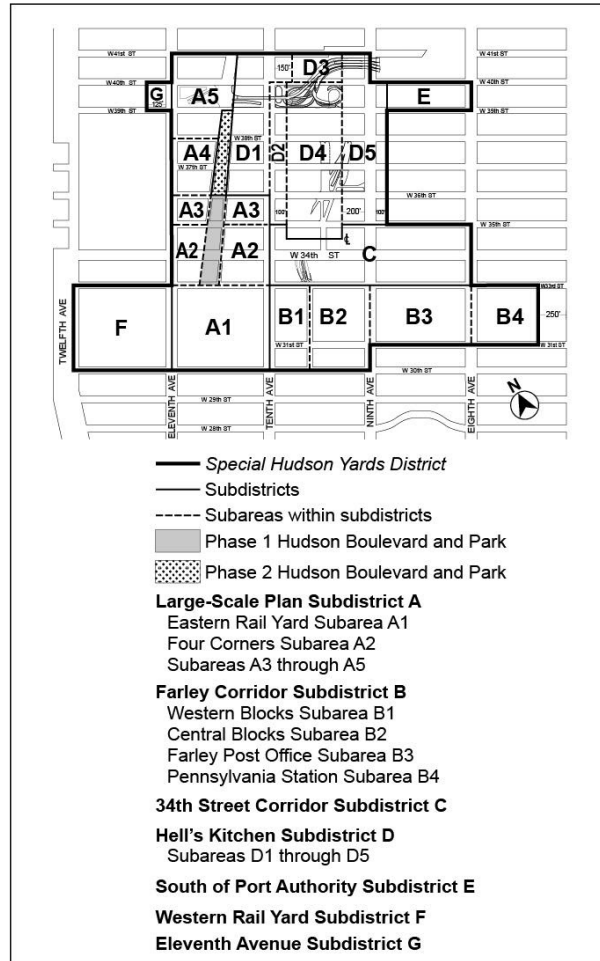
- (a) such #multiple dwelling# is an unsafe #building# or an emergency exists such that demolition is required pursuant to the provisions of Title 28, Chapter 2, Articles 215 or 216 of the New York City Administrative Code; or
- (b) the Commissioner of the Department of Housing Preservation and Development, after providing 60 days notice and opportunity to comment to the local Community Board, has certified:
 - (1) if such #multiple dwelling# is to be substantially preserved, that an alteration permit is required to allow the removal and replacement of 20 percent or more of the #floor area#;
 - (2) if such #multiple dwelling# is not to be substantially preserved, that the Department of Housing Preservation and Development has determined that the rehabilitation of such #multiple dwelling# is not feasible under any active governmentally funded program; and
 - (3) that the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to Section [93-90](#), paragraph (c), or has certified compliance with the cure provisions of Section [93-90](#), paragraph (d).
- (c) the following structures shall be exempt from the provisions of this Section:
 - (1) any city-owned #multiple dwellings#;
 - (2) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low- or moderate-income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;
 - (3) any #multiple dwelling# initially occupied for #residential# purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings#, pursuant to Article 7C of the Multiple Dwelling Law;
 - (4) any #exempt hotel#, as defined in Section [93-90](#);
 - (5) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory #use# and occupancy was restricted to clubhouse or school dormitory #use# on June 21, 2004; or
 - (6) any #exempt institutional residence#, as defined in Section [93-90](#).

Appendix A - Special Hudson Yards District

LAST AMENDED
4/29/2014

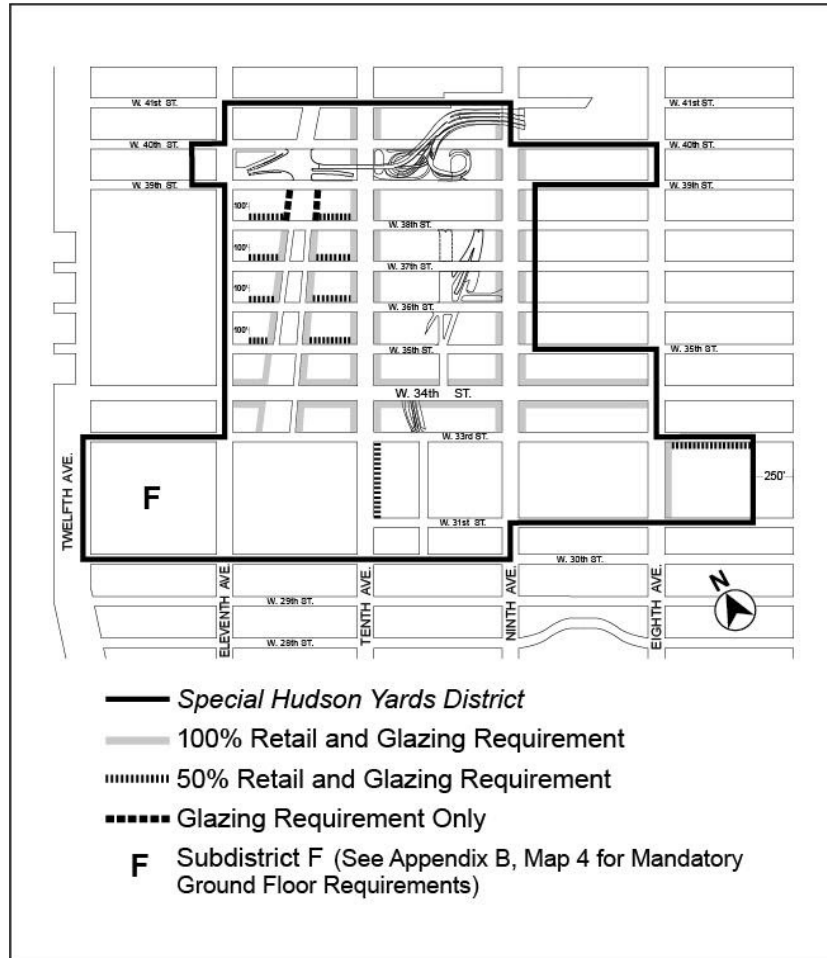
(10/21/21)

Map 1 — Special Hudson Yards District, Subdistricts and Subareas (93-A1)



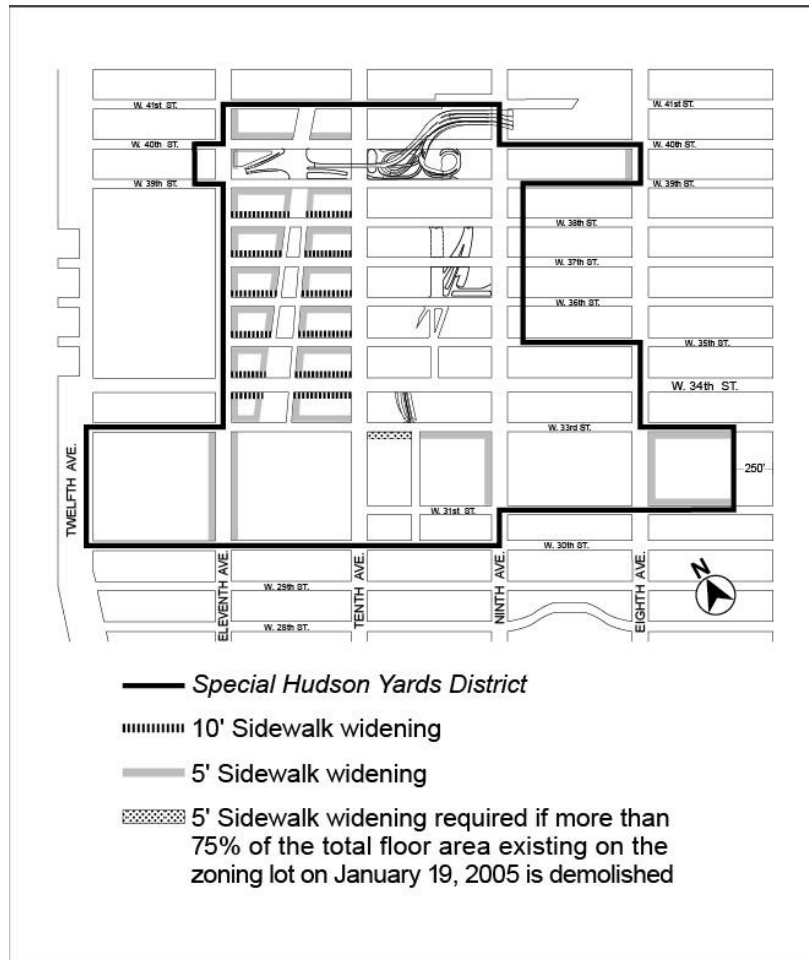
(10/21/21)

Map 2 — Mandatory Ground Floor Retail (93-A2)



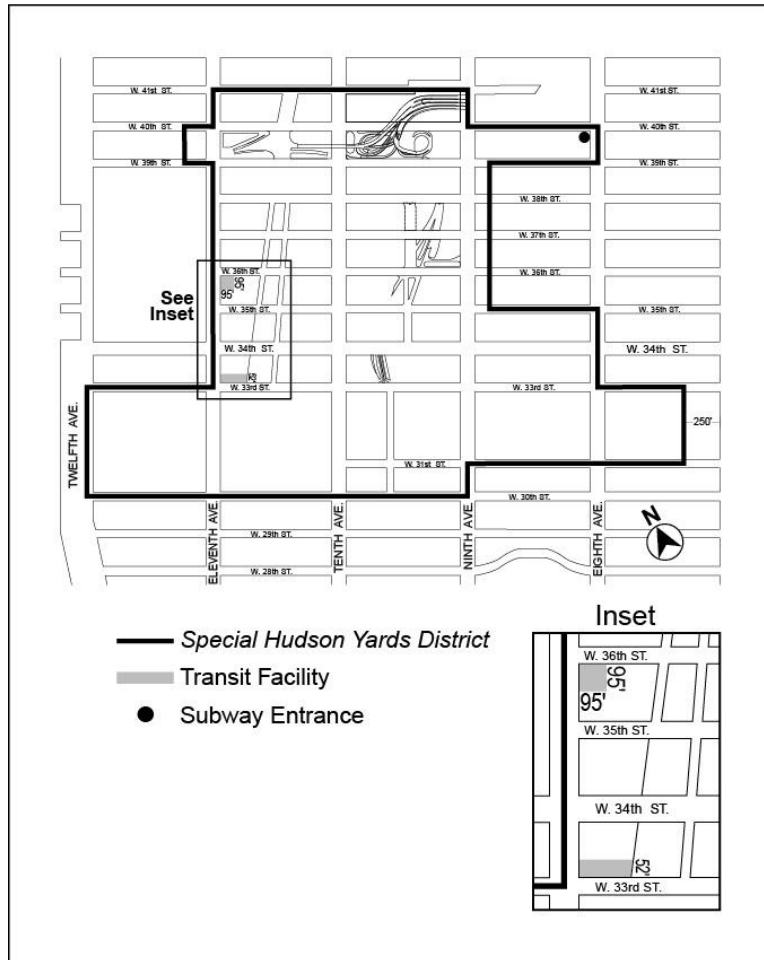
(10/21/21)

Map 4 — Mandatory Sidewalk Widening (93-A4)



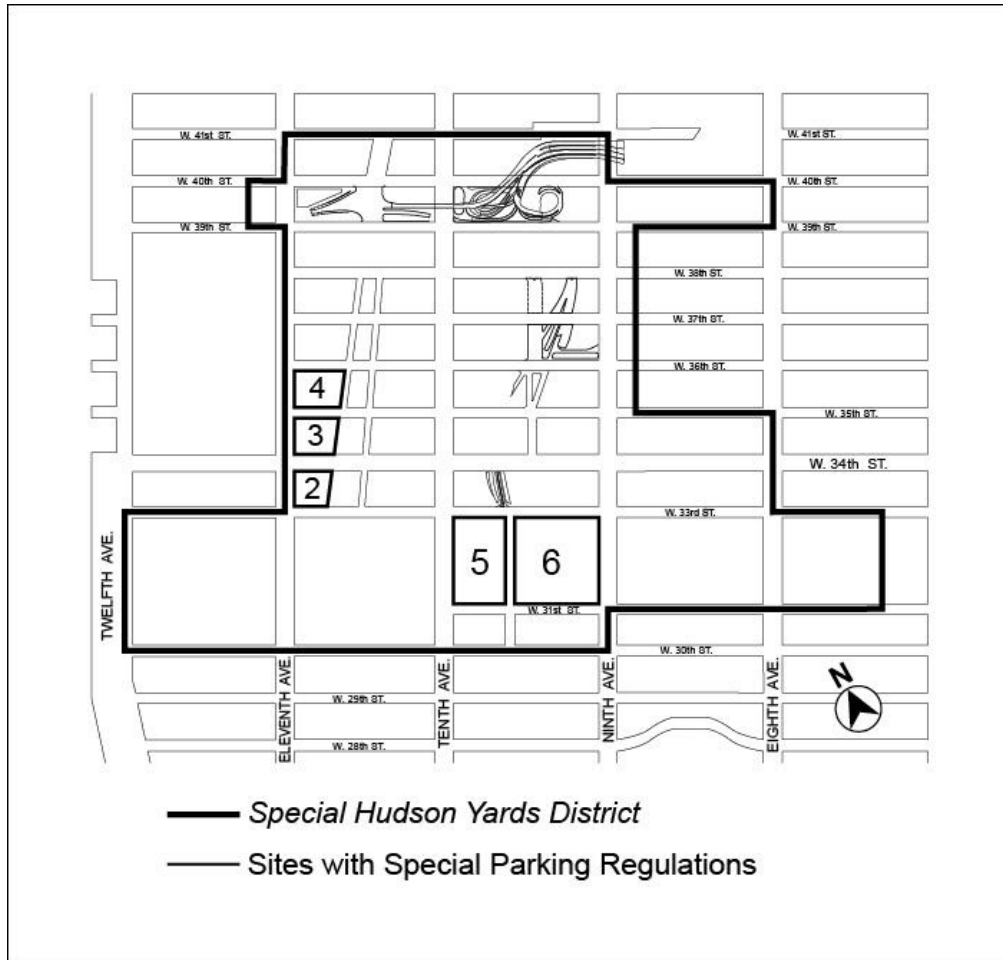
(10/21/21)

Map 5 — Transit Facilities (93-A5)



(10/21/21)

Map 6 — Sites Where Special Parking Regulations Apply (93-A6)



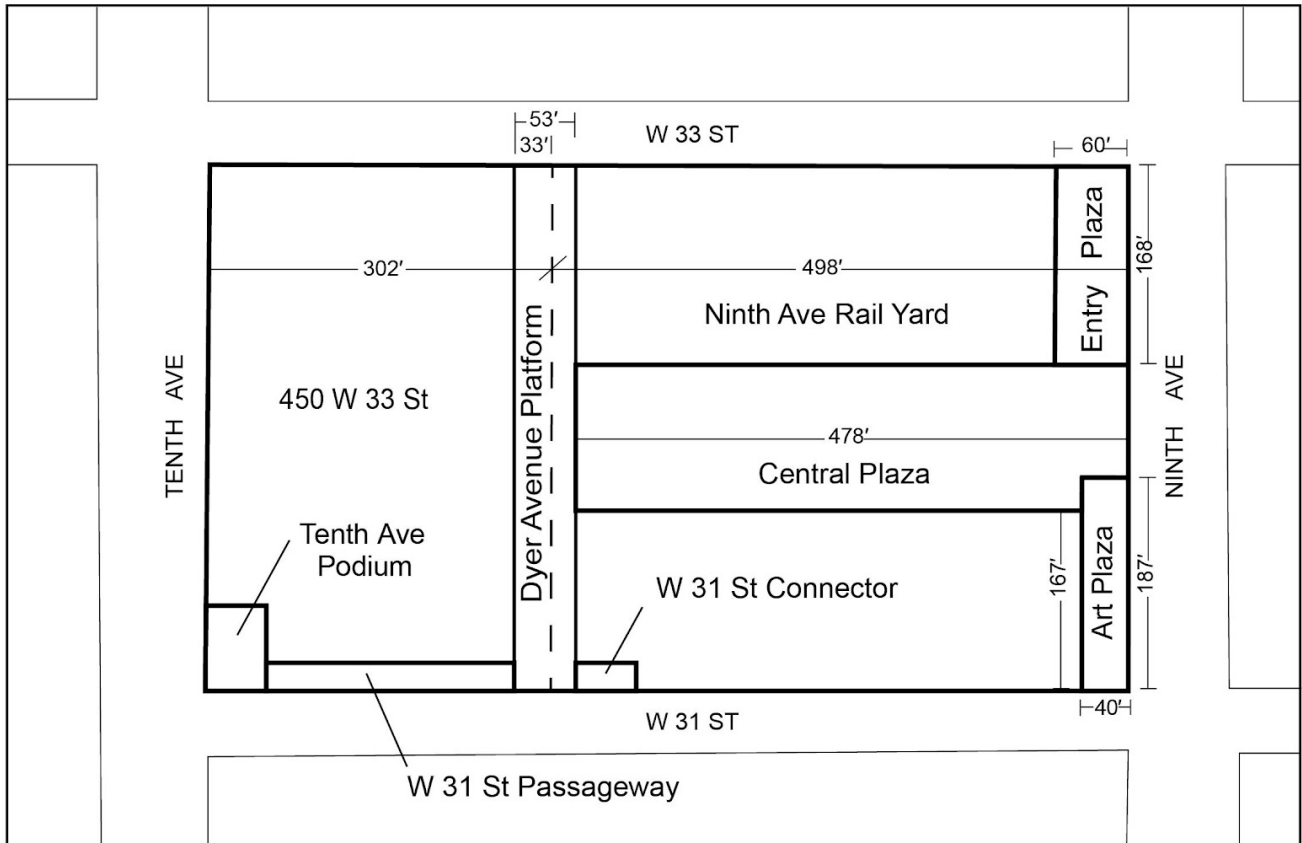
Appendix B - Special Hudson Yards Subdistricts Maps

LAST AMENDED

4/29/2014

(8/9/17)

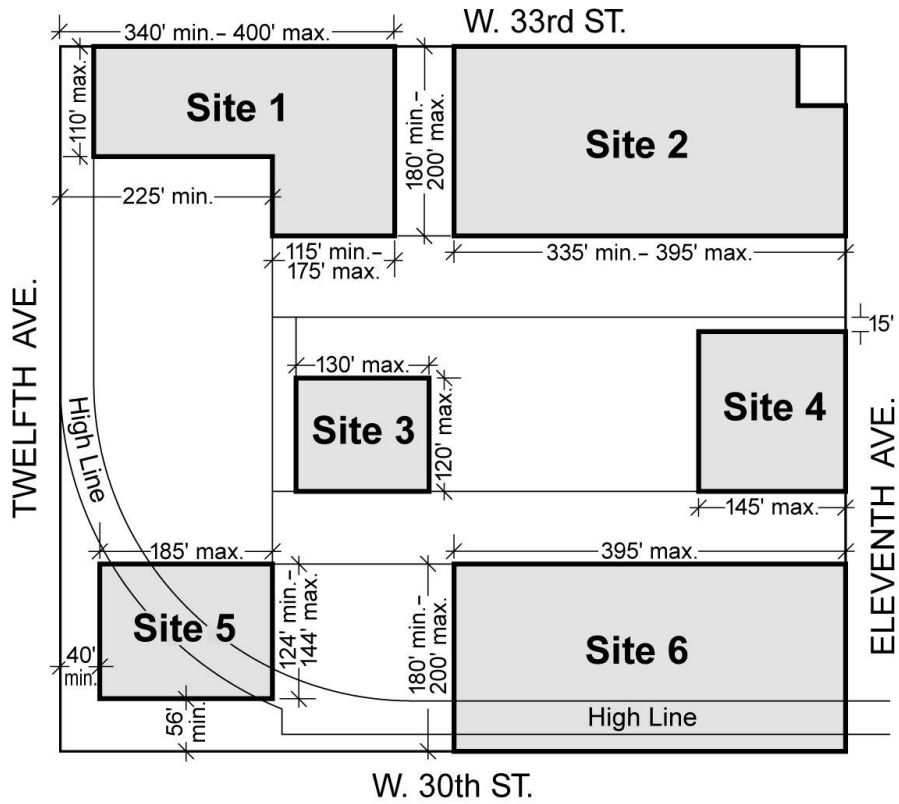
Map 1 — Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan (93-B1)



— Open Space Boundaries

(4/29/14)

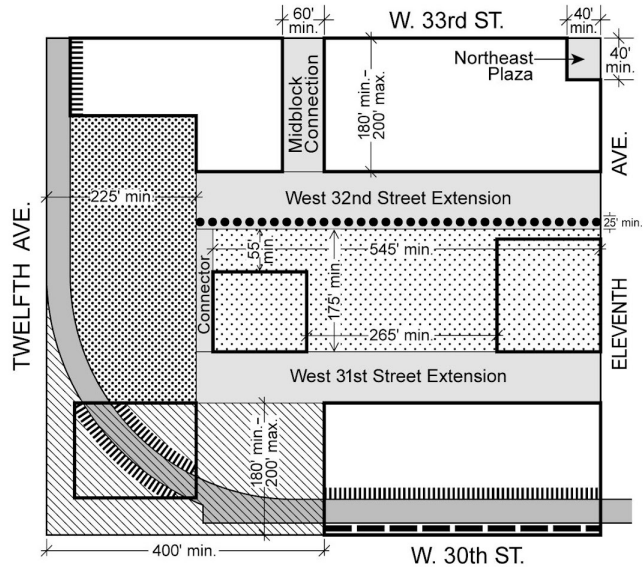
Map 2 — Subdistrict F: Site Plan (93-B2)



- Site Boundary
- Public Access Area Boundary
- Maximum Area within Site

(4/29/14)

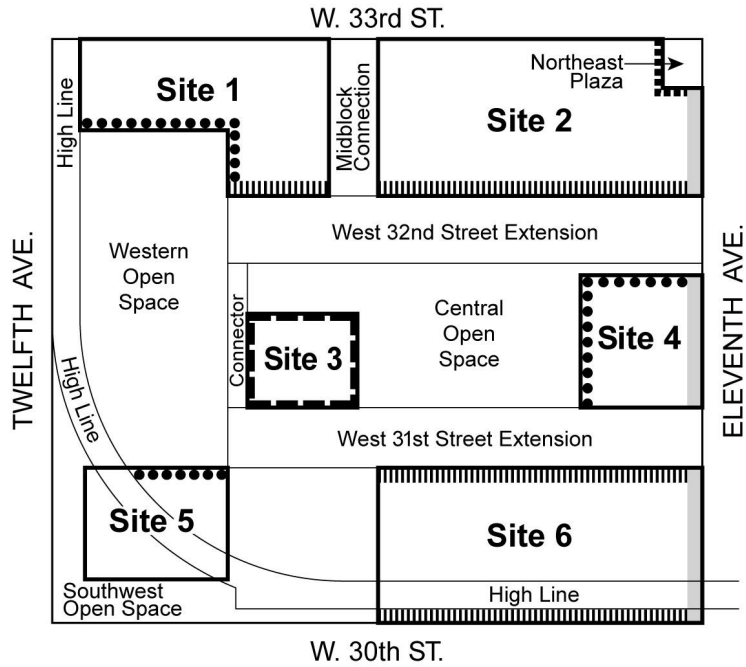
Map 3 — Subdistrict F: Public Access Area Plan (93-B3)



- Site Boundary
- Public Access Area Boundary
- Streets, Pedestrian Ways and Northeast Plaza
- Western Open Space
- Central Open Space (includes areas of Site 3 and Site 4 which are not part of a building)
- Southwest Open Space (connects beneath the High Line and includes areas of Site 5 which are not part of a building)
- High Line
- 30th Street Corridor
- Required 5' Setback from High Line
- Allee

(4/29/14)

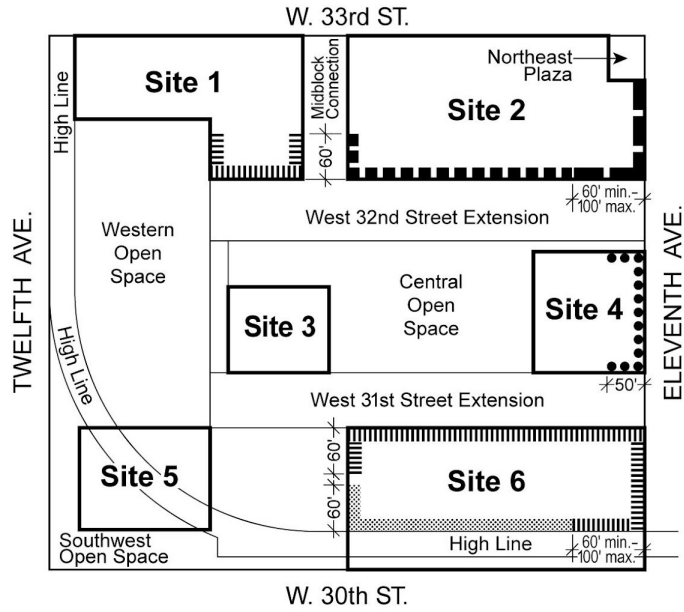
Map 4 — Subdistrict F: Mandatory Ground Floor Requirements (93-B4)



- 100% Retail and Glazing Requirement
- ||||| 70% Retail or Community Facility and Glazing Requirement (Section 93-14, (b) and (c))
- Public Plaza 50% Retail and Glazing Requirements (Section 37-76)
- - - Ground Floor Requirements (Section 93-565(a))
- 50% Glazing Requirement (Sections 93-751(d) and 93-752(e))

(4/29/14)

Map 5 — Subdistrict F: Mandatory Street Wall Requirements (93-B5)



	Minimum Base Height	Maximum Base Height	Percentage of frontage that must be occupied by a street wall	Percentage of street wall which must recess	Maximum percentage of street wall which may set back
	50'*	60'*	100%	20%	30%
	60'	90'	100%	20%	30%
	90'	120'	100%	20%	50%
	90'	120'	100%	20%	30%
	120'	150'	100%	20%	30%

*As measured above the High Line bed



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 4 - Special Sheepshead Bay District (SB)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 4 - Special Sheepshead Bay District (SB)

94-00 - GENERAL PURPOSES

LAST AMENDED

5/12/2021

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

- (a) to promote and strengthen the unique character of the "Special Sheepshead Bay District" area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which will complement and enhance the area as presently existing;
- (b) to encourage the provision of housing with appropriate amenities in areas suitable for residential development;
- (c) to improve vehicular and pedestrian circulation patterns by requiring limited curb cuts and uniform sidewalk widening, and encouraging the provision of public open space and other amenities as a related part of new development;
- (d) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York;
- (e) to facilitate flood-resilient construction and open space design to reduce the potential for property damage and disruption from regular flood events; and
- (f) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenues.

94-01 - Definitions

LAST AMENDED

2/2/2011

Development

For the purposes of this Chapter, a "development" includes #development#, as defined in Section [12-10](#), or an #enlargement#.

Development rights

For the purposes of this Chapter, the "development rights" of a #granting lot# shall consist of the unused bonus #floor area# allowed by Section [94-08](#) (Special Floor Area Bonus Provisions). Any unused bonus #floor area# transferred from a #granting lot# may be used on a #receiving lot# either for #residential# or #commercial# #uses# as set forth in Section [94-094](#) (Authorization provisions for transfer of development rights to receiving lots).

Granting lot

For the purposes of this Chapter, a "granting lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, D or E, as indicated in Appendix A (District Map), and is #developed# pursuant to Sections [94-07](#) (Mandatory

Provisions) and [94-08](#) (Special Floor Area Bonus Provisions).

Person

For the purposes of this Chapter, a "person" is an individual, corporation (whether incorporated for business, public benefit, or non-profit purposes or otherwise), partnership, trust, firm, organization, other association or any combination thereof.

Receiving lot

For the purposes of this Chapter, a "receiving lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, E or F, as indicated in Appendix A (District Map), and on which #development rights# are transferred from a #granting lot# pursuant to Section [94-094](#).

94-02 - General Provisions

LAST AMENDED

5/12/2021

In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section [62-13](#) (Applicability of District Regulations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

94-04 - Requirements for Applications

LAST AMENDED

10/4/1973

An application to the City Planning Commission for the grant of a special permit or authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on both the #granting# and #receiving lots#; the location of all special amenities that are to be provided under the mandatory and bonus provisions; the location of all vehicular entrances and exits and off-street parking and loading spaces; and such other information as may be required by the Commission for its determination as to whether or not a special permit or authorization is warranted.

94-05 - Relationship to Public Improvement Projects

LAST AMENDED

10/4/1973

In all cases, the City Planning Commission shall deny a special permit or authorization application whenever the #development#

will interfere with a public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission or Site Selection Board, as determined from the calendar of each agency issued prior to the date of the public hearing on the application for a special permit or authorization.

94-06 - Special Use Regulations

LAST AMENDED
10/4/1973

In order to preserve the character of the area and to encourage waterfront and related uses, special limitations are imposed on the location, size and kinds of uses permitted within the Special District as set forth in this Section.

94-061 - Permitted residential, community facility and commercial uses

LAST AMENDED
5/27/2015

A. Residential and community facility uses

Uses listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. Commercial uses

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those commercial uses listed in Section 94-062 (Use Group SB), those uses listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14, and those uses permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a zoning lot existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per zoning lot and shall be limited to 15,000 square feet of floor area utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of floor area for accessory office and storage space. There shall be no limitation on the amount of floor area utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only commercial uses listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14 shall be allowed within the underlying Commercial Districts.

In Area G, only commercial uses listed in Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying Commercial Districts.

In Area H, except for uses permitted pursuant to Section 94-063, commercial uses shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following uses:

Antique stores

Art galleries, commercial

Artists' supply stores

Bicycle sales, rental or repair shops

Boat fuel sales, open or enclosed, restricted to location within 10 feet of a dock berth

Boat rentals, open or enclosed

Boat showrooms or sales

Boat storage, repair or painting, including the incidental sale of boats, boat parts or accessories, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed# #building# only if located at a distance greater than 100 feet from a #Residence District# boundary

Book stores

Candy or ice cream stores

Cigar or tobacco stores

Coin-operated ice vending machines, including those machines that are self-contained dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

Docks for pleasure boats less than 100 feet in length

Eating or drinking places, including those which provide outdoor table service or incidental musical entertainment

Fish stores, retail

Fishing tackle or equipment, rental or sales

Florist shops

Gift shops

#Health and fitness establishments#

Hardware stores, limited to marine supplies

#Hotels, transient#, #motels# or #boatels#, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels)

Jewelry or art metal craft shops

Newsstands, open or enclosed

Non-commercial clubs, without restrictions on activities or facilities

Pet shops

Photographic equipment or supply stores

Picture framing shops

Sailmaking establishments

Sale or rental of sporting goods or equipment, including instructions in skiing, sailing or skin diving

Stamp or coin stores

Studios, art, music, dance or theatrical

Taxidermist shops

C. #Accessory# #uses#

94-062 - Use Group SB

LAST AMENDED

2/2/2011

In Areas A, B, C, D and E, except as stated in this Section, all #commercial# #uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (*) shall not be located on the ground floor of a #building#.

A. Convenience retail or service establishments

Bakeries, limited to 750 square feet of #floor area# for production

Eating or drinking places, with no restriction on #floor area# or frontage per establishment, including those which provide outdoor table service or incidental musical entertainment

Hardware stores, limited to marine supplies

Stationery stores

Tailor or dressmaking shops, custom

B. Offices

* Offices, business, professional or governmental

C. Retail or service establishments

Antique stores

Art galleries

Artists' supply stores

Bicycle, rental or sales

Boat showrooms, with no repair or preparation or boats for delivery, #floor area# limited to 5,000 square feet

Book stores

Candy or ice cream stores

Cigar or tobacco stores

Clothing stores or clothing accessory stores

Dry goods stores (fabrics)

Fishing tackle and equipment

Florists

Gift shop

#Health and fitness establishments#

Jewelry or art metal shops

Leather goods stores

* Meeting halls, having a rated capacity of not more than 75 people

Millinery shops

Music stores or repair shops

Newsstands, open or enclosed

Off-track betting establishments

Pet shops

Photographic equipment or supply stores

Picture framing shops

Record stores

Shoe stores

Sporting or athletic goods stores

Stamp or coin stores

* Studios, music, dance or theatrical, with no restriction on #floor area#

Taxidermist shops

Toy stores

Travel bureaus

Watch or clock stores or repair shops

D. Clubs

- * Clubs, non-commercial, without restrictions on activities or facilities

E. #Accessory# #uses#

94-063 - Uses permitted by special permit

LAST AMENDED

2/2/2011

The City Planning Commission, by special permit, may allow the #uses# listed in Tables 1 and 2 in Areas A, B, C, D and E and the #uses# listed in Table 2 only in Area H, provided that the following findings are made:

- (a) the #use# is so located as not to impair the character of the surrounding area or its future development or cause any environmental hazards;
- (b) the principal vehicular access for such #use# is not located on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue or Bedford Avenue, except where no access is available from another #street#, and that such #use# will not cause undue congestion in local #streets#;
- (c) the #uses# listed under #manufacturing# establishments in Table 1 are #accessory# to the retail sales on the same #zoning lot# and such #uses# occupy not more than 50 percent of the #floor area# of the establishment and that such #uses# do not create objectionable noise, vibration, smoke, dust or odor; and
- (d) any public parking facilities provide adequate reservoir space at vehicular entrances, and that sufficient vehicular entrances and exits are provided to prevent traffic congestion.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

Table 1

A. #Manufacturing# Establishments

Art needlework, hand weaving, tapestries

Books, hand binding, tooling

Ceramics, custom

Jewelry manufacture, custom

Musical instruments (except pianos)

Printing, custom

Watchmaking

B. Amusements

Billiard parlors or pool halls, limited to 10 tables

Golf recreation centers, indoor, limited to 5,000 square feet

Skating rinks or ice skating rinks, outdoor or indoor, limited to one rink

Theaters, having a rated capacity of 500 people or less

Table 2

A. Automotive Service Establishments

#Parking garages#, #public#, or #parking lots#, #public#, with any capacity

B. Amusements

Historical exhibits, provided such #use# is contained mainly within a structure

Skating rinks or ice skating rinks, outdoor, may be enclosed in winter, limited to one rink

Tennis courts, outdoor, may be enclosed in winter, limited to four courts in Areas A, B, C, D and E and to eight courts in Area H

Swimming pools, commercial, limited to Area H

C. Service Establishments

Eating or drinking places, without restrictions on entertainment or dancing

94-064 - Supplementary use regulations

LAST AMENDED

3/22/2016

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections [73-10](#) through [73-52](#), relating to modifications of #use#, shall not apply in the Special District.

94-065 - Restriction on ground-floor use

LAST AMENDED

10/4/1973

In Areas A, B, C and D, the ground floor of a #building# shall not be used for #residences# except for #single#- or #two-family residences# or #accessory# lobbies.

94-066 - Additional sign regulations

LAST AMENDED

4/8/1998

Where #illuminated signs# are permitted by the underlying district regulations, such #signs# shall have only indirect

illumination. Where #signs#, other than #advertising signs#, are permitted by the underlying district regulations, such #signs# shall not extend above the roof level of any #building or other structure# in the Special District.

94-07 - Mandatory Provisions

LAST AMENDED

10/4/1973

All #developments# within the Special District shall comply with the mandatory provisions made applicable by this Section and such mandatory improvements, when developed for a #floor area# bonus pursuant to Section [94-08](#) (Special Floor Area Bonus Provisions), shall require certification by the City Planning Commission, pursuant to Section [94-13](#).

94-071 - Sidewalk extension area

LAST AMENDED

5/12/2021

All #developments# which are located on a #zoning lot# with frontage along Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue shall contain a sidewalk extension area, which complies with the following requirements:

- (a) has a minimum depth of five feet, measured perpendicular to such #street lines#;
- (b) extends the full length of the #zoning lot# along such #street lines#, except for existing #buildings# within five feet of the #street line#;
- (c) is open and unobstructed from its lowest level to the sky;
- (d) maintains continuity with the established sidewalk, to which it shall be immediately adjacent throughout its entire length;
- (e) is available for public use at all times; and
- (f) has a paved surface which complies with standards as established by the New York City Department of Transportation.

No sidewalk extension area shall be required along any portion of a #street line# where a plaza is provided in accordance with the provisions of Sections [94-072](#) (Special plaza provisions) or [94-081](#) (Plaza bonus).

94-072 - Special plaza provisions

LAST AMENDED

5/12/2021

In Areas A, C and E, all #developments# that are located on a #zoning lot# with frontage along Emmons Avenue, except for a #zoning lot# of less than 8,000 square feet that was in existence as of November 1, 1972, shall provide and maintain a plaza for public use which complies with the following requirements:

- (a) The plaza shall #abut# the Emmons Avenue #street line# along the full length of such #lot line# or for a distance of at least 50 feet, whichever is less.
- (b) The plaza shall be directly accessible to the public at all times from Emmons Avenue or a plaza.

- (c) The size of the plaza shall be at least 4,000 square feet in one location with a minimum dimension of 35 feet, and shall comply with the provisions of Section [94-20](#) (DESIGN REQUIREMENTS FOR PLAZAS).
-

94-08 - Special Floor Area Bonus Provisions

LAST AMENDED

2/2/2011

In Areas A, C, D, E and F, any #development# on a #zoning lot# with an area of at least 20,000 square feet within the Special District shall be eligible for a #floor area# bonus as set forth in this Section.

In areas A and E, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #residential use# on the same #zoning lot# or may be transferred to a #receiving lot# within the Special District, pursuant to Section [94-093](#) (Transfer of development rights from granting lots).

In Area C, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #commercial# #use# on the same #zoning lot# or may be transferred to a #receiving lot# within the Special District, pursuant to Section [94-093](#).

In Area D, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for the purposes of transfer to a #receiving lot# within the Special District, pursuant to Section [94-093](#).

In Area F, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for #residential use# on the same #zoning lot#.

In no event shall the aggregate bonus #floor area#, permitted under the provisions of this Section, exceed the basic #floor area ratio# permitted for #residential use# by Section [94-09](#) (Special Bulk Regulations) by more than 60 percent in Areas A, C, D or E, or by more than 20 percent in Area F.

Any #floor area# bonus received according to the provisions of this Section shall require certification by the City Planning Commission, pursuant to Section [94-13](#).

94-081 - Plaza bonus

LAST AMENDED

5/12/2021

In Areas A, C, D, E and F, any #development# on a #zoning lot# which provides and maintains a plaza for public use shall be eligible for a #floor area# bonus, in accordance with the following provisions:

- (a) the #development# shall contain a minimum area of 20,000 square feet;
- (b) the plaza shall comply with the following minimum area requirements:
 - (1) in Areas A, C, D and E, the plaza shall be at least 4,000 square feet in one location, with a minimum dimension of 35 feet;
 - (2) in Area F, the plaza shall be at least 5,000 square feet in one location, with a minimum dimension of 50 feet;
- (c) the plaza shall not be located within 30 feet of the Leif Ericson Drive service road;
- (d) the plaza shall comply with the provisions of Section [94-20](#) (DESIGN REQUIREMENTS FOR PLAZAS); and

(e) the #development# shall be eligible for a #floor area# bonus as follows:

- (1) in Areas A, C, D, and E, the #floor area# bonus shall be at a rate of 3.5 square feet of #floor area# for every square foot of plaza area;
- (2) in Area F, the #floor area# bonus shall be at a rate of one square foot of #floor area# for every two square feet of plaza area.

94-082 - Special parking bonus

LAST AMENDED
5/12/2021

In Areas C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every square foot of #accessory# #commercial# parking space above the minimum amount required by the underlying district regulations and made available for daily long-term parking.

To be eligible for a #floor area# bonus under the provisions of this Section, there shall be at least five additional parking spaces provided and the size of each parking space shall be at least 300 square feet. In no event shall the dimension of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

94-09 - Special Bulk Regulations

LAST AMENDED
10/4/1973

94-091 - Basic floor area ratio

LAST AMENDED
2/2/2011

For the purposes of this Chapter, the #floor area ratio# of a #zoning lot# within the Special District shall not exceed the #floor area ratio# permitted by the underlying district regulations, except as set forth in Section [94-092](#) (Maximum floor area ratio).

94-092 - Maximum floor area ratio

LAST AMENDED
3/22/2016

The permitted basic #floor area ratio# for #residential# or #community facility use# is 1.25 and for #commercial# #use# is 1.00. The permitted basic #floor area ratio# may be increased on any #zoning lot# by the amount set forth in Section [94-08](#) (Special Floor Area Bonus Provisions) or through transfer provisions pursuant to Section [94-094](#) (Authorization provisions for transfer of development rights to receiving lots) or by special permit pursuant to Section [94-096](#) (Special permit for floor area, location within buildings, building height and related parking modifications within Area G).

In Areas A, E and F, the maximum #floor area ratio# for any #residential# or #community facility use# on a #zoning lot# shall in no event be more than 2.00 and for #commercial# #use# be no more than 1.00.

In Area C, the maximum #floor area ratio# for any #residential# or #community facility use# on a #zoning lot# shall in no event be more than 1.25 and for #commercial# #use# be more than 1.50. The maximum #floor area# in a #mixed building# within the

Special District shall be the maximum #floor area# permitted for either the #residential# portion, the #community facility# portion or the #commercial# portion of such a #building#, whichever permits the greatest amount of #floor area#.

94-093 - Transfer of development rights from granting lots

LAST AMENDED

10/4/1973

#Development rights# from a #granting lot# may be conveyed, or otherwise disposed of:

- (a) directly to a #receiving lot#; or
- (b) to a #person# for subsequent disposition to a #receiving lot# all in accordance with the provisions of this Special District. Any #person# may convey interest in all or any portion of such #development rights# to another #person#, but such #development rights# may only be used for a #development# on a #receiving lot#.

In transferring #development rights# from #granting lots#, such bonus #floor area# shall not exceed 40 percent of the basic #floor area ratio# in Areas A, C and E, and shall not exceed 60 percent of the basic #floor area ratio# in Area D, as permitted on such #granting lots# by Section [94-09](#) (Special Bulk Regulations), inclusive.

94-094 - Authorization provisions for transfer of development rights to receiving lots

LAST AMENDED

2/2/2011

The City Planning Commission, on application after public notice and hearing, may authorize the addition of all or any portion of the #development rights# from a #granting lot# to the permitted #floor area# of a #receiving lot#, provided that:

- (a) the maximum #floor area# for any #development# on a #receiving lot# does not exceed the maximum #floor area# permitted by Section [94-092](#) (Maximum floor area ratio);
- (b) the #development# shall aid in achieving the general purposes and intent of this Chapter as set forth in Section [94-00](#) (GENERAL PURPOSES);
- (c) the design of the #development# shall not impair the character of the surrounding area or its future development;
- (d) the distribution of the #bulk# on the #receiving lot# permits adequate access of light and air to surrounding #streets# and properties;
- (e) the traffic created by the #development# will not create or contribute to serious traffic congestion and will make adequate provisions for unconstrained pedestrian circulation; and
- (f) the requirements set forth in Sections [94-093](#) (Transfer of development rights from granting lots), [94-12](#) (Recordation) and [94-13](#) (Certification) are satisfied.

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

94-095 - Open space ratio

LAST AMENDED

10/4/1973

For the purposes of this Section, the minimum required #open space ratio# for a #building# on a #zoning lot# shall be 40.0. However, if a #zoning lot# is #developed# pursuant to Sections [94-08](#) (Special Floor Area Bonus Provisions) or [94-094](#) (Authorization provisions for transfer of development rights to receiving lots), then the minimum #open space ratio# may be modified as set forth in this Section. For every 0.10 increase in permitted #floor area ratio# on a #zoning lot#, the corresponding required #open space ratio# may be decreased by not more than 2.0. In no event shall the required #open space ratio# on a #zoning lot# be less than 25.0.

94-096 - Special permit for floor area, location within buildings, building height and related parking modifications within Area G

LAST AMENDED
3/22/2016

For #enlargements# to #buildings# in Area G, on #zoning lots# with a #lot area# of at least 10,000 square feet and existing on March 22, 2016, the City Planning Commission may:

- (a) modify the provisions of Section [94-092](#) (Maximum floor area ratio) to increase the permitted #floor area ratio# for #commercial# #use# to 2.0 provided that such #enlargement#:
 - (1) is designed so as not to impair the character of the surrounding area or its future development; and
 - (2) will not cause undue congestion on local #streets# or impair pedestrian circulation;
- (b) modify the height provisions of paragraph (a) of Section [33-431](#) (In C1 or C2 Districts with bulk governed by surrounding Residence District) relating to the requirements in Section [32-42](#) for location of #uses# within #buildings#, to allow a #commercial building# or portion thereof to exceed 30 feet in height or two #stories#, provided that such #building# shall not exceed a maximum height of 35 feet or three #stories#, whichever is less; and provided that the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and
- (c) waive or reduce the number of #accessory# off-street parking spaces required by Section [36-21](#) (General Provisions) for such #use#, provided that the applicant has demonstrated that the number of #accessory# off-street parking spaces supplied is sufficient to meet the parking needs of such #use#.

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

94-10 - SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS

LAST AMENDED
2/2/2011

The height and setback regulations set forth in Sections [23-631](#) (General provisions), [34-24](#) (Modification of Height and Setback Regulations) and [35-62](#) (Commercial Districts With an R1 Through R5 Residential Equivalent), shall not apply to #buildings# in the #Special Sheepshead Bay District#. In lieu thereof, height and setback regulations set forth in this Section shall apply. For #buildings# in #Residence Districts#, #building# height is measured from the #base plane#. For #buildings# in #Commercial Districts#, #building# height is measured from #curb level#.

In Areas A, B, C, D, E and F, the #street wall# or any other portion of a #residential building# or the #residential# portion of a #mixed building#, except for a structure which encloses only #accessory# parking fronting on the Leif Ericson Drive service road #street line#, shall be set back a minimum distance of 10 feet from all #street lines#. Beyond the #initial setback distance#, the

#building# shall not exceed the maximum height as set forth in this Section.

In Area A, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or 15 feet of the Sheepshead Bay Road #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer. Beyond the #initial setback distances# in Area A, the #building# shall not exceed seven #stories# or 85 feet, whichever is fewer.

In Area C, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or Ocean Avenue #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer. Beyond the #initial setback distance# of 25 feet in Area C, the #building# shall not exceed four #stories# or 50 feet, whichever is fewer.

In Areas B and D, a #building# shall not exceed four #stories# or 50 feet, whichever is fewer.

In Areas E and F, within 75 feet of the Emmons Avenue #street line#, the maximum height of any portion of a #building# shall not be more than three #stories# or 35 feet, whichever is fewer. Beyond the #initial setback distance# of 75 feet in Areas E and F, the #building# shall not exceed six #stories# or 75 feet, whichever is fewer.

In Areas G and H, a #building# shall not exceed three #stories# or 35 feet, whichever is fewer. However, the City Planning Commission may, by a special permit, modify such height restrictions, provided that:

- (a) the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and
- (b) the height of such #building# does not exceed five #stories# or 50 feet, whichever is fewer.

The Commission may prescribe appropriate conditions and safeguards to protect the view of the Bay and to minimize the adverse effects on the character of the surrounding areas.

94-11 - Special Parking Provisions

LAST AMENDED
10/4/1973

94-111 - Curb cuts

LAST AMENDED
2/2/2011

No curb cuts shall be permitted on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue except that where no access is available on a #zoning lot# from another #street#, one curb cut shall be permitted.

94-112 - Restricted location

LAST AMENDED
10/4/1973

In Areas A, B, C, D, E and F, no open off-street parking shall be located within 30 feet of the #street lines# of Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue.

94-113 - Treatment of parking areas

LAST AMENDED

5/12/2021

Any parking facilities in the Special District that are not completely enclosed shall be screened by shrubbery at least three feet high at the time of planting and expected to form a year-round dense screen at least five feet high within three years. When roof parking is provided, it shall be screened where it is visible from a #street# or plaza.

94-114 - Exceptions to application of waiver provisions

LAST AMENDED

3/22/2016

In areas A, B, C, D, E and F, the provisions of Section [36-23](#) (Waiver of Requirements for Spaces Below Minimum Number) do not apply.

The provisions relating to modifications of parking requirements of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) in Sections [73-10](#) through [73-52](#), shall not apply in the Special District.

94-115 - Location of commercial parking spaces

LAST AMENDED

5/12/2021

In Area F, #accessory# off-street parking spaces for #commercial# #uses# may be located outside the commercially zoned area but within 600 feet of the #building# to which it is #accessory#, only if an area equal to the #lot area# occupied by the parking in the #residential# area is provided as a plaza in the commercially zoned area to which the parking is #accessory#.

94-12 - Recordation

LAST AMENDED

10/4/1973

At the time of transfer of #development rights# from a #zoning lot#, there shall be recorded in the land records and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such lot from which the #floor area# is taken, of any #building or other structure# which would contain a #floor area# in excess of that still available to the #zoning lot# after deducting the #floor area# removed. Such prohibition shall be non-cancelable for 99 years and, at the time of the addition of #development rights# to a #receiving lot# as provided in Section [94-094](#) (Authorization provisions for transfer of development rights to receiving lots), there shall be recorded in the land records and indexed against such #zoning lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation thereof.

94-13 - Certification

LAST AMENDED

10/4/1973

An application for certification pursuant to Sections [94-07](#) (Mandatory Provisions) or [94-08](#) (Special Floor Area Bonus Provisions), by the City Planning Commission shall include:

- (a) written notice of intention to #develop# a #zoning lot# within the Special District;

- (b) plans for lot improvements, which shall be constructed on both #granting# and #receiving lots#; and
- (c) consents, agreements, restrictive declarations or legal documents obligating the owner of the #zoning lot# or its designee to #develop# its property in accordance with the provisions of this Chapter.

The Commission may prescribe appropriate conditions and safeguards in connection with the issuance of such certification.

94-20 - DESIGN REQUIREMENTS FOR PLAZAS

LAST AMENDED
5/12/2021

Where a plaza within the #Special Sheepshead Bay District# is provided in accordance with the provisions of this Chapter, such plaza shall comply with the applicable minimum design standards set forth in this Section.

(a) Design criteria

(1) Basic design criteria

Plazas shall comply with the standards set forth in paragraphs (a) and (b) of Sections [37-715](#) (Requirements for major portions of public plazas), [37-716](#) (Requirements for minor portions of public plazas), and [37-718](#) (Paving).

(2) Access and circulation

Plazas shall meet the requirements set forth in Section [37-721](#) (Sidewalk frontage), and Sections [37-723](#) (Circulation paths) through [37-726](#) (Permitted obstructions), inclusive. Hours of access shall be governed by Section [37-727](#) (Hours of access). Accessibility for persons with disabilities shall be provided in compliance with Section [37-728](#) (Standards of accessibility for persons with disabilities).

Plazas shall be located no lower than #curb level#.

(3) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements as set forth in paragraphs (a) and (b) of Section [37-73](#) (Kiosks and Open Air Cafes), as applicable. In addition, kiosks may be placed on plazas upon certification by the Chairperson of the City Planning Commission as set forth in paragraph (c) of Section [37-73](#).

(4) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section [37-741](#) (Seating).

(5) Planting and trees

Plazas shall provide planting areas in compliance with Section [37-742](#) (Planting and trees). All planted areas shall consist of salt-tolerant species recommended by the Department of Parks and Recreation.

(6) Lighting and electrical power

All plazas shall provide lighting and electrical power pursuant to the standards set forth in Section [37-743](#) (Lighting and electrical power).

(7) Litter receptacles

All plazas shall provide litter receptacles pursuant to the standards set forth in Section [37-744](#) (Litter receptacles).

(8) Bicycle parking

All plazas shall provide bicycle parking pursuant to the standards set forth in Section [37-745](#) (Bicycle parking).

(9) Drinking fountains

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

(10) Signs

All plazas shall provide entry and information plaques that contain the words “Open to the public” and information regarding the hours of access. Prohibition and accessory signage may be provided pursuant to the standards set forth in Sections [37-752](#) (Prohibition signs) and [37-753](#) (Accessory signs).

(b) Maintenance

The owner shall be responsible for the maintenance of all plazas, including, but not limited to, 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#.

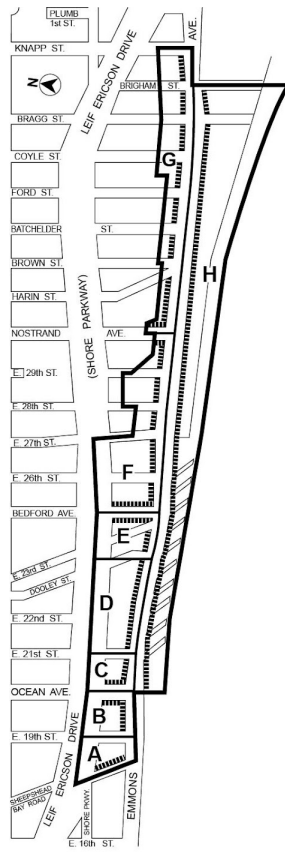
(c) Compliance

Plazas shall be governed by the compliance requirements of Section [94-13](#) (Certification).

Appendix A - Special Sheepshead Bay District Map

LAST AMENDED
5/12/2021

(94A)



Special Sheepshead Bay District
Area Boundary
MANDATORY PROVISIONS
 Sidewalk Extension Area
 Special Plaza Provisions – Areas A, C and E



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 5 - Special Transit Land Use District (TA)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 5 - Special Transit Land Use District (TA)

95-00 - GENERAL PURPOSES

LAST AMENDED
11/7/1974

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

- (a) to minimize the conflict between normal pedestrian movements on public sidewalks and access to underground transit systems, by requiring developments within the Special District to provide access to underground transit or other subway amenities;
 - (b) to reduce congestion on city streets in the vicinity of transportation nodes, by encouraging the provision of adequate underground pedestrian circulation systems;
 - (c) to require adequate access of light and air to the subway mezzanines or station areas of the underground transit system and other related facilities in order to provide greater visibility and safety to below ground spaces;
 - (d) to encourage development that reinforces and preserves the character of the existing communities within the area, by promoting needed pedestrian amenities;
 - (e) to coordinate the present and future relationship of land uses within the Special District including weather protected public access to the underground transit system; and
 - (f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.
-

95-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section [12-10](#) (DEFINITIONS).

95-02 - General Provisions

LAST AMENDED
10/7/2021

#Special Transit Land Use Districts# are mapped in the vicinity of existing or proposed subway stations. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

Whenever this Special District overlaps another Special District and imposes contradictory regulations, the provisions of the *#Special Transit Land Use District#* shall apply. Nothing contained in this regulation shall be understood to supersede Landmark or Historic District designations of the New York City Landmarks Preservation Commission.

For *#qualifying transit improvement sites#*, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

In *#flood zones#*, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

95-03 - Transit Easement

LAST AMENDED
11/30/2017

Any *#development#* or *#enlargement#* involving ground level construction within the *#Special Transit Land Use District#* shall provide an easement on the *#zoning lot#* for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section [95-04](#).

The issuance by the Department of Buildings of an excavation permit for any *#zoning lot#* located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a *#zoning lot#* shall permit the realization of one or more of the following planning objectives:

- (a) the integration and relating of subway station design to surrounding development;
- (b) the introduction of light and air to: stations; mezzanines; and other related facilities constructed pursuant to the provisions of Section [95-032](#) (Determination of transit easements at other stations);
- (c) the reduction of conflict between pedestrian movements and station facilities on the *#street#* level;
- (d) the provision of weather protection for subway entrances;
- (e) the relation of subway entrances to *#commercial#* and other transit facilities;

- (f) the provision of maximum visual exposure of subway entrances from public areas; and
- (g) the elimination or reduction of adverse environmental impact accompanying subway development.

In no event, however, may the easement area be used temporarily or permanently for any other purpose not immediately related to pedestrian amenity, except as hereinafter provided.

95-031 - Selection of transit easement at certain stations

LAST AMENDED
11/30/2017

At the stations specified below, the transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

Six possible types of transit easements are listed in Table A and in Table B. The applicant for a #development# or an #enlargement# involving ground level construction shall, in consultation with the Metropolitan Transportation Authority and the City Planning Commission, select the easement type that is most appropriate for the location.

TABLE A

MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME (in feet)

Stations: Houston St., Kips Bay, Lenox Hill and E. 96th St.

Easement Type	Height above #Curb Level# (h)	Depth below #Curb Level#* (D)	Length (L)	Width(W)	#Zoning Lots# less than 10,000 sf	#Zoning Lots# 10,000 sf or more
1	15	20	80	20	x	
2	15	30	80	20	x	x
3	15	30	85	32		x
4	15	25	80	10	x	
5	15	30	80	10	x	
6	15	25	60	20	x	

* See Section 95—054

TABLE B

MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME (in feet)

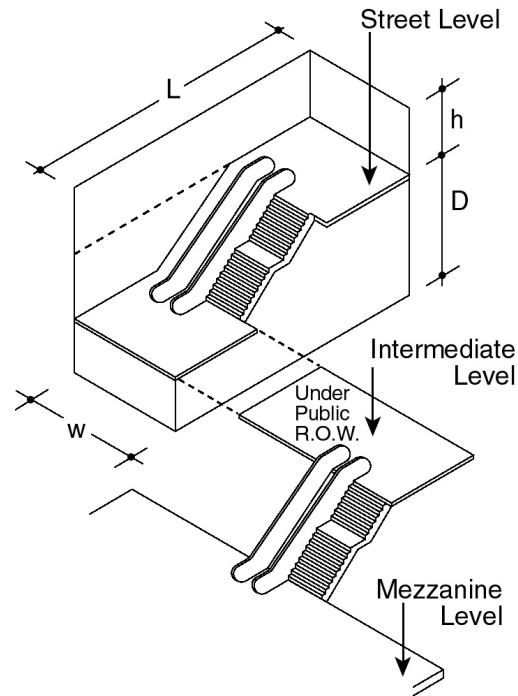
Stations: Chatham Square, Grand St., 14th St., 23rd St., UN Plaza, East Midtown and Yorkville

Easement Type	Height above #Curb Level# (h)	Depth below #Curb Level#* (D)	Length (L)	Width(W)	#Zoning Lots# less than 10,000 sf	#Zoning Lots# 10,000 sf or more
1	15	20	80	20	x	
2	15	40	100	20	x	x
3	15	40	85	32		x
4	15	35	100	10	x	

5	15	40	100	10	x	
6	15	35	65	20	x	

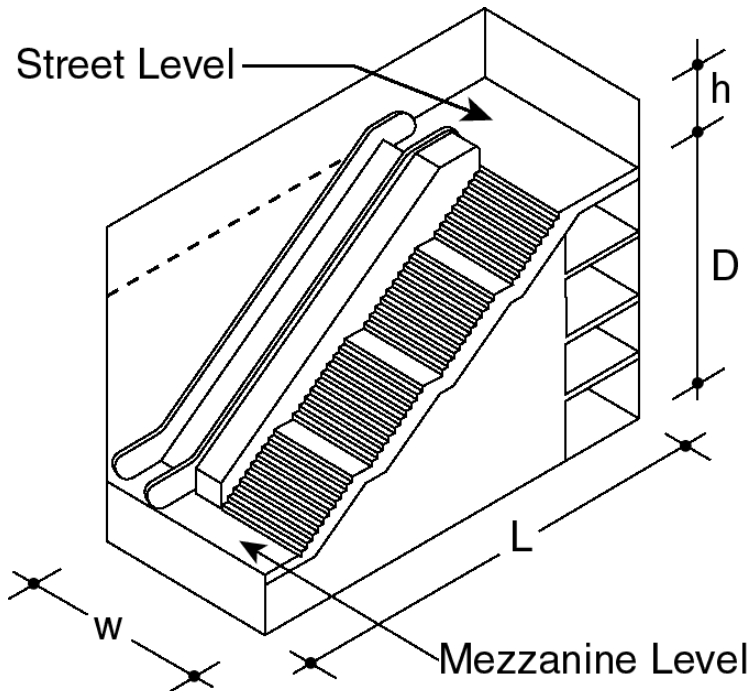
* See Section 95—054

Type 1 is appropriate on #zoning lots# of less than 10,000 square feet with adequate lot frontage and where the Metropolitan Transportation Authority provides final access to the subway mezzanine level under a public right-of-way.



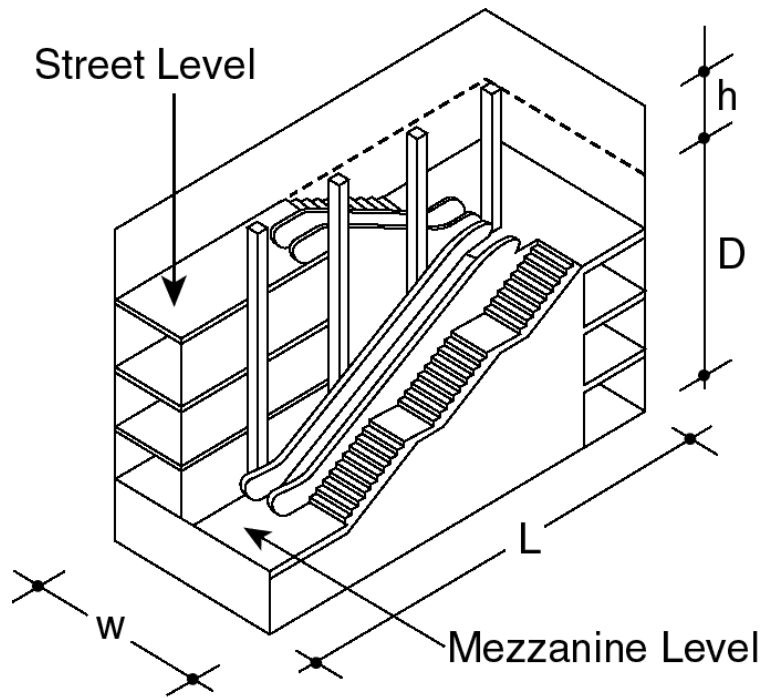
(95-031.1)

Type 2 is appropriate on any size #zoning lot# for providing direct access to the subway mezzanine level by a "straight run" stairway and/or escalator.



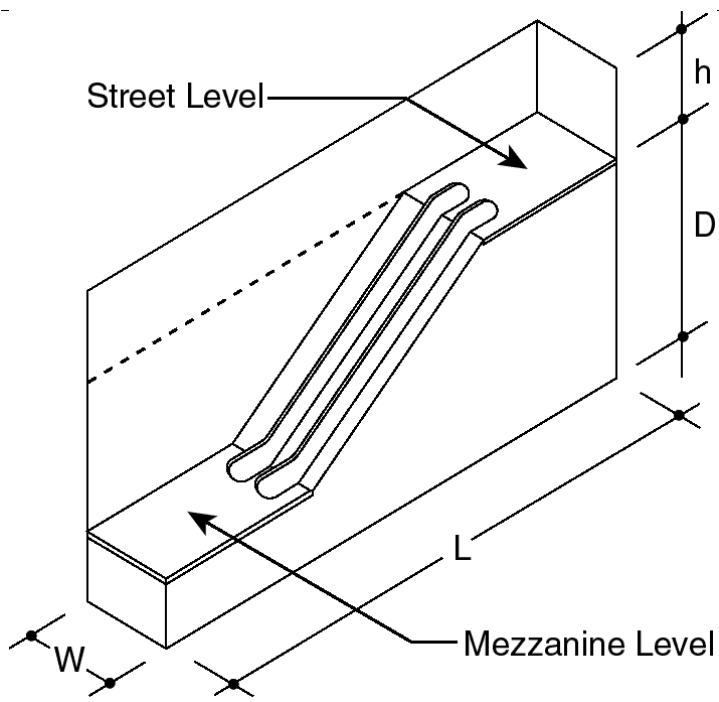
(95-031.2)

Type 3 is applicable to #zoning lots# of 10,000 square feet or more for providing a "turn around" arrangement of stairs.

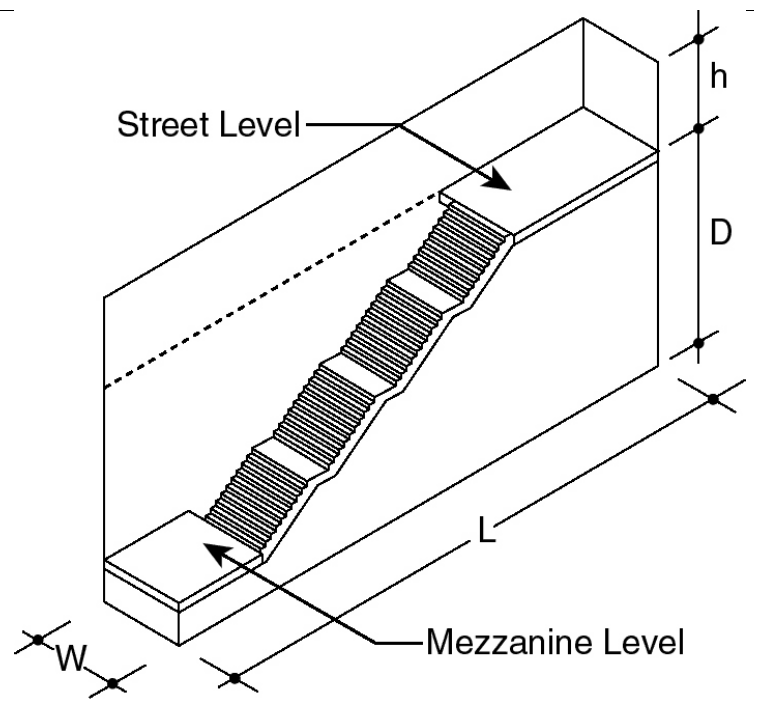


(95-031.3)

Types 4 and 5 are limited to #zoning lots# of less than 10,000 square feet with a narrow lot frontage for a single "straight-run" transit access facility, such as an escalator or stairway.

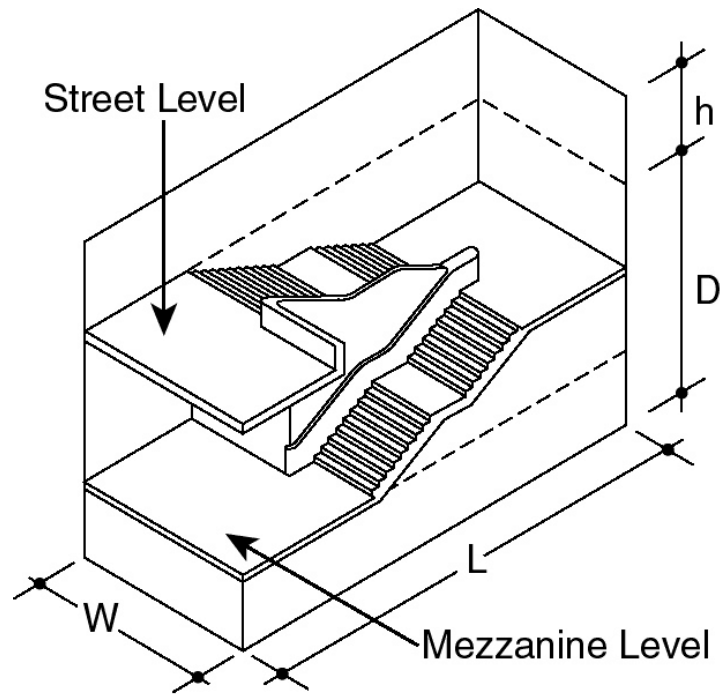


(95-031.4)



(95-031.5)

Type 6 is appropriate on #zoning lots# of less than 10,000 square feet for providing a "turn around" arrangement of stairs.



(95-031.6)

Where appropriate, any of these easement types may be used exclusively for light wells.

The Metropolitan Transportation Authority and the Commission, in consultation with the applicant, may make minor modifications of the dimensions of the easement volume type required on the applicant's site and the spacing of #building# columns permitted within the easement volume to facilitate the design and construction of circulation facilities appropriate for the area.

95-032 - Determination of transit easement at other stations

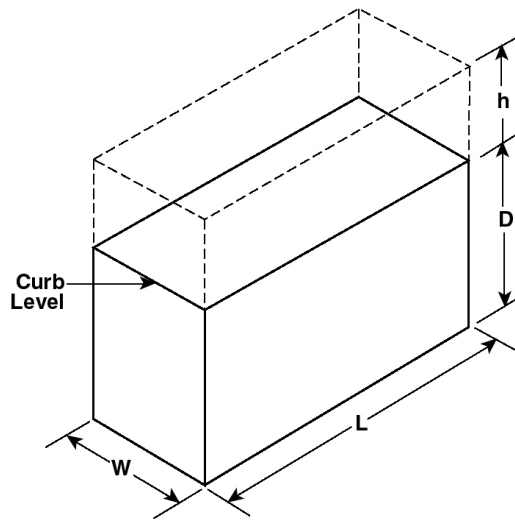
LAST AMENDED
11/30/2017

At the 106th Street, 116th Street and 125th Street stations, a transit easement shall be provided to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the Metropolitan Transportation Authority shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

95-033 - Location of transit easements

LAST AMENDED
11/30/2017

The transit easement volume may be located within a #building#, in open areas, including #public plazas#, or in areas covered by projected overhangs of a #building#. At least one vertical face of the easement volume shall be at a #front lot line#. The easement volume shall be located on the #zoning lot# as close as possible to the #street# containing the transit line.



h – Height above curb level
D – Depth below curb level
L – Length
W – Width

TRANSIT EASEMENT VOLUME

[\(95-032\)](#)

95-04 - Certification of Transit Easement Volume

LAST AMENDED
12/20/1979

95-041 - For developments or enlargements

LAST AMENDED
2/2/2011

Prior to filing any applications with the Department of Buildings for an excavation permit or building permit for a #development# or #enlargement# within the #Special Transit Land Use District#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority and the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Upon receipt of the completed application, the Commission shall furnish a copy to the affected Community Board.

Within 60 days after receipt of such application, the Metropolitan Transportation Authority and the Commission shall jointly certify whether or not an easement is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the Metropolitan Transportation Authority and the Commission indicate that such easement is required, the owner shall submit a site plan indicating the location and type of easement volume that would be most compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the Metropolitan Transportation Authority and the Commission. Copies of such certification shall be forwarded by the City Planning Commission to the Department of Buildings.

Use Group T #uses# shall not be permitted in #Residence Districts# prior to the improvement of a transit easement in accordance with approval and certified plans.

95-042 - For substantially vacant existing zoning lots

LAST AMENDED
2/2/2011

When a #zoning lot# located within the #Special Transit Land Use District# is substantially vacant and appropriate for a transit easement, the Metropolitan Transportation Authority may request the City Planning Commission to certify that a portion of such #zoning lot# is necessary for a transit easement.

As a condition for securing a transit easement on such #zoning lot#, the Commission shall make the following findings:

- (a) that such transit easement is required by the Metropolitan Transportation Authority to provide public access to a subway mezzanine or to a public passageway leading to a subway mezzanine or platform;
- (b) that such transit easement is located on a vacant portion of a #zoning lot#;
- (c) that the use of the transit easement will not reduce development potential on the #zoning lot# under the applicable district regulations; and

(d) that the Metropolitan Transportation Authority and the owner agree that the construction within the easement volume will be integrated with the total development.

At such time as an existing vacant #zoning lot# on which a transit easement volume provided pursuant to the provisions of this Section, is #developed#, it shall be subject to all regulations of this Chapter.

95-05 - Terms and Conditions for Permitted Uses and Construction Within Transit Easement Volume

LAST AMENDED
10/7/2021

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, elevators or, for #zoning lots# subject to the provisions of Section [95-032](#) (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#, , except in accordance with the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements), where applicable.

When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

The transit easement volume, any construction allowed therein or any weather protection provided thereon by an overhang or roofed area pursuant to Section [95-053](#), shall be considered permitted obstructions within required #yards#, #open space# or in a #public plaza# area.

95-051 - Development of transit access facilities

LAST AMENDED
11/30/2017

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section [95-031](#) (Selection of transit easement at certain stations), or access and ancillary facilities required pursuant to the provisions of Section [95-032](#) (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

The subway entrance within the transit easement volume and any adjoining #public plaza# shall be at the same elevation as the adjoining sidewalk and shall be directly accessible to the public at all times. When such entrance is not located at the #street line#, it shall be visually prominent and directly accessible from a #street# by a paved pedestrian walk at least 20 feet in width and at the same elevation as the adjoining sidewalk. Such privately owned pedestrian walk shall be maintained by the owner. In order to provide natural light to the subway mezzanine level, at least 10 percent of the transit easement area at #curb level# shall be provided with light wells and skylights.

95-052 - Special access facilities for persons with disabilities at certain stations

LAST AMENDED
2/2/2011

For #zoning lots# subject to the provisions of Section [95-031](#) (Selection of transit easement at certain stations), special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

Such special elevators shall be designed by the Metropolitan Transportation Authority in consultation with the owner of the #zoning lot# and shall be integrated architecturally, including color and material, with the #buildings# on the #zoning lot# and with adjoining #public plaza# area. Design concept for such elevators shall be submitted to the City Planning Commission for certification.

95-053 - Weather protection

LAST AMENDED
2/2/2011

The stairs or escalators providing pedestrian access to the subway mezzanine, which are not covered at the entrance level, shall be weather protected by the #building# or portion thereof including an overhang, or by a roofed area provided by the owner of the #zoning lot# in accordance with the Metropolitan Transportation Authority requirements. Such overhang or roofed area shall cover either or both the stairway and the escalator which are uncovered at the ground level. Any overhang or roofed area shall be sufficient to cover the access facilities within the easement volume and may not otherwise obstruct the #public plaza#.

When the subway entrance is within an open #public plaza# area, a roof area shall be provided with either a glazed or translucent material for at least 50 percent of its surface area. The roofed area shall be no more than 15 feet above #curb level# and shall blend harmoniously with the #buildings# on the #zoning lot# and any adjoining #public plaza# or open area.

95-054 - Permitted uses and other constructions

LAST AMENDED
2/2/2011

Areas within the easement volume not used for circulation purposes may be developed only with newsstands, cigar stands, flower stands or similar stands, in accordance with the Metropolitan Transportation Authority specifications, provided they do not interfere with pedestrian circulation and are made of removable structures. In no event shall such permitted #uses# be located within 10 feet of a pedestrian entrance to the subway at #curb level#.

In addition, any portion of the transit easement volume at #curb level# not to be covered for weather protection, may contain trees, benches or any obstructions permitted in a #public plaza# area. However, such elements shall not interfere with the pedestrian movement.

The Metropolitan Transportation Authority and the City Planning Commission may permit penetration of the transit easement volume above #curb level# by a #building# lobby, including #building# columns, where such lobby space serves as a part of the pedestrian circulation system and provides from it direct public access to the subway entrance within the easement volume.

Where construction within a transit easement volume is more than five feet in height above #curb level#, such construction proposal shall be submitted to the Commission for a review and certification to ensure that such construction relates harmoniously to the total development. When a transit easement volume is located within a #building#, it shall be open to the general public for the same hours of operation as the subway station.

#Building# columns or footings are permitted inside the transit easement volume, provided that the minimum clear distance between any columns is 12 feet and between the columns and any bounding walls of the transit easement volume is 10 feet. Where the width of an easement is greater than 20 feet, location of columns within the easement volume shall be established in consultation with the Metropolitan Transportation Authority. In all cases, the depth of columns or footings within the easement area or adjoining area shall be established in consultation with the Metropolitan Transportation Authority. Furthermore, vertical space between such columns shall be open and unobstructed from its base except for any construction permitted under the provisions of this Chapter.

95-055 - Knockout panel

LAST AMENDED
2/2/2011

Any underground walls constructed along the #front lot line# of a #zoning lot# in which transit easement volume is required by the Metropolitan Transportation Authority shall contain a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be indicated by the Metropolitan Transportation Authority.

95-06 - Temporary Use of the Easement Area

LAST AMENDED
2/2/2011

Any easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Metropolitan Transportation Authority or by its designee for subway purposes.

Temporary #use# of the transit easement volume above #curb level# in a #public plaza# or #open space# area shall be limited to #use# as a landscaped open area that may contain obstructions permitted in a #public plaza#. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

95-07 - Special Provisions for an Increase in Zoning Tower Coverage on Zoning Lots Containing Transit Easements

LAST AMENDED
2/2/2011

For any #zoning lot# on which a transit easement volume is required pursuant to Section [95-04](#), the #lot coverage# of a tower permitted by the underlying district regulations may be increased by an amount equal to 10 percent of the #lot area# of the #zoning lot#.

In no event shall the permitted increase in tower coverage on a #zoning lot# affect the maximum allowable #floor area ratio# under the applicable district regulations.

95-08 - Special Use Regulations

LAST AMENDED
2/2/2011

In order to promote the continued development of retail and related #uses# which are most appropriate for pedestrians using transit facilities, the only #commercial# #uses# permitted in the subway mezzanine level, along with the bounding walls of the transit easement volume below the second #story#, and at the ground #story# of any #development# or #enlargement# within the Special District, shall be those #uses# listed in Use Group T in Section [95-081](#).

Use Group T #uses# shall not be permitted in #Residence Districts# prior to the improvement of a transit easement in accordance with approved and certified plans.

In all underlying districts within the Special District, below the lowest #story# occupied by #residential uses#, Use Group T #uses# are permitted to occupy no more than two #stories# above #curb level#. However, #uses# listed in paragraphs A, C or E of Section [95-081](#) are permitted within the Special District only where allowed by the underlying district regulations. Location of #commercial# #uses# within a #building# shall be governed by the provisions of Section [32-42](#).

In the subway mezzanine, at ground #story#, and along the bounding walls of the transit easement volume below the second #story#, the frontage occupied by any #uses# shall not exceed 25 linear feet per establishment within a distance of 75 feet from the edge of the easement volume.

95-081 - Use Group T

LAST AMENDED
2/8/1990

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (*) shall not be located at the subway mezzanine level or along the bounding walls of a transit easement volume.

A. Amusements

Billiard parlors or pool halls

Model car hobby centers, including racing

Theaters

B. Convenience Retail or Service Establishments

Bakeries, provided that no floor space is used for production

Barber shops

Beauty parlors

Drug stores

*Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

*Food stores, including grocery stores or delicatessen stores

*Fruit stands, including supermarkets or meat markets

Hardware stores

*Laundry establishments, hand or automatic self-service

*Package liquor stores

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

C. Offices

*Offices, business, professional or governmental

D. Retail or Service Establishments

Antique stores

Art galleries, commercial

Artists' supply stores

Banks

Bicycle sales

*Blueprinting or photostatting establishments

Book stores

*Business schools or colleges

Candy stores or nut stores

*Carpet, rug, linoleum or other floor covering stores

Cigar or tobacco stores

Clothing or accessory stores

Clothing or costume rental establishments

Dry goods or fabric stores

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Furniture stores

Furrier shops, custom

Gift shops

#Health and fitness establishments#

*Ice cream stores

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Leather goods or luggage stores

Loan offices

Locksmith shops

*Medical or orthopedic appliance stores

*Meeting halls

Millinery shops

Music stores

Musical instrument repair shops

Newsstands, open or enclosed

Optician or optometrist establishments

*Paint stores

*Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops
Record stores
Seed or garden supply stores
Sewing machine stores, selling household machines only
Shoe stores
Sporting or athletic stores
Stamp or coin stores
Studios, art, music, dancing or theatrical
Telegraph offices
Television, radio, phonograph or household appliance repair stores
Television, radio, phonograph or household appliance shops
Toy stores
Travel bureaus
Typewriter or other small business machine repair shops
Typewriter stores
Umbrella repair shops
Wallpaper stores
Watch or clock stores or repair shops

E. Other Retail or Wholesale Establishments

Department stores

*Hair products for headwear, wholesaling, including styling

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

*Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

Plumbing, heating or ventilating equipment showrooms, without repair facilities

F. Clubs

All types of clubs, without restrictions on activities or facilities

G. #Accessory# #uses#

95-09 - Special Regulations for Accessory Off-street Parking and Curb Cuts

LAST AMENDED
5/8/2013

Within the portion of the #Special Transit Land Use District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Transit Land Use District#, the provisions of this Section shall apply.

On any #zoning lot# on which a transit easement volume is provided, the required #accessory# off-street parking requirements for #residential uses# of the applicable underlying districts shall be reduced to a maximum of 20 percent.

In no case within the Special District shall curb cuts for vehicular access be located on a #street# containing transit lines or on a #street# within 50 feet of its intersection with the #street lines# of such a #street#.

The #accessory# parking requirements shall not apply to any #development# or #enlargement# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

95-10 - MISCELLANEOUS PROVISIONS

LAST AMENDED
4/30/2008

The pavement on a public sidewalk fronting a #development# within the #Special Transit Land Use District# shall be consistent in color and material with all pavements located within the transit easement volume and in any adjoining #public plaza#.

95-11 - Recordation

LAST AMENDED
4/30/2008

The instrument creating a transit easement volume shall be recorded in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the City Planning Commission.

95-12 - Termination of Transit Easement Volume

LAST AMENDED
2/2/2011

In the event that the Metropolitan Transportation Authority and the City Planning Commission jointly notify the Department of Buildings and the owner in writing that a transit easement volume is not required on a #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Chapter shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the Metropolitan Transportation Authority to the extinguishment of the easement volume. On any #zoning lot# which has been #developed# or upon which a #building# is #enlarged# in accordance with the provisions of Section [95-07](#) and on which termination of transit easement has been certified, pursuant to this Section, any open, enclosed or arcaded area reserved for transit easement at #curb level# shall be provided for public use with lighting, landscaping, trees, substantial artwork and sitting facilities.

95-13 - Previous Transit Easement Agreements

LAST AMENDED
2/2/2011

Whenever, under prior zoning regulations, the owner of a #development# or #enlargement# has agreed to provide a transit easement volume on a #zoning lot#, the existence of such agreement shall be certified by the Chairperson of the City Planning Commission to the Department of Buildings. Such agreement shall be deemed to satisfy the provisions of this Chapter.



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 6 - Special Clinton District (CL)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 6 - Special Clinton District (CL)

96-00 - GENERAL PURPOSES

LAST AMENDED

1/19/2005

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary to provide specific programs and regulations which will assure realization of community and citywide goals.

These goals include, among others, the following:

- (a) to preserve and strengthen the residential character of the community;
- (b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups currently residing in the area;
- (c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;
- (d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;
- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;
- (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent Special Hudson Yards District;
- (g) to provide amenities, such as street trees, to improve the physical environment;
- (h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- (i) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

96-01 - Definitions

LAST AMENDED

2/2/2011

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section [12-10](#) (DEFINITIONS).

Certification of no harassment

"Certification of no harassment" shall mean a certification by the Department of Housing Preservation and Development pursuant to Section [96-110](#) that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#, as defined in Section [96-110](#).

Harassment

“Harassment” shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

- (a) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (b) the interruption or discontinuance of essential services which:
 - (1) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit#; and
 - (2) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;
- (c) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or
- (d) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy including, but not limited to, removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

For purposes of this definition, #dwelling unit#, #referral date# and #rooming unit# shall be defined as in Section [96-110](#).

Material alteration

“Material alteration” shall mean any alteration to a #multiple dwelling# including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling#, #converts# #floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

- (a) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#; or
- (b) a repair or replacement of existing elements of such #multiple dwelling# without materially modifying such elements.

For purposes of this definition, #dwelling unit# and #rooming unit# shall be defined as in Section [96-110](#).

Mixed building

For the purposes of this Chapter, a "mixed building" is a #building# in a #Commercial District# used partly for #residential use#

and partly for #community facility# or #commercial# #use#, or a #building# in a #Residence District# used partly for #residential use# and partly for #community facility use#.

Multiple dwelling

“Multiple dwelling” shall have the meaning set forth in the Multiple Dwelling Law.

96-02 - General Provisions

LAST AMENDED

10/7/2021

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section [96-22](#) (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section [11-22](#) (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

96-03 - District Map

LAST AMENDED

8/16/1990

The District Map for the #Special Clinton District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Clinton District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

Area A - PRESERVATION AREA, Section [96-10](#)

Area B - PERIMETER AREA, Section [96-20](#)

Area C - OTHER AREAS, Section [96-30](#)

96-10 - PRESERVATION AREA

LAST AMENDED

2/2/2011

The provision of this Section shall apply to all #developments#, #enlargements#, #extensions# or alterations. All existing #buildings# within the Preservation Area shall be considered complying #buildings# for all purposes including, but not limited to, alterations, #enlargements#, #extensions# or #conversions# to #residential uses#. Any existing #building# which is damaged

or destroyed by any means may be reconstructed to its #bulk# prior to such damage or destruction. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed, subject to the applicable underlying district regulations, pursuant to the change of #non-conforming# #use# provisions of Sections [52-31](#), [52-33](#), [52-34](#), [52-35](#) and [52-36](#).

96-101 - Floor area regulations

LAST AMENDED
2/2/2011

For any #zoning lot# within the Preservation Area, the #floor area ratio# for a #residential#, #commercial# or #community facility building#, or portions of a #mixed building# containing such #uses#, shall not exceed the following:

#Uses#	#Floor Area Ratio#
#Residential buildings# or #community facility buildings# or portions of #mixed buildings# containing #residential# or #community facility# #uses# in the following Districts:	
R8 C1-5 C2-5 C6-2	4.2
#Commercial buildings# or #commercial# portion of #mixed buildings# in the following Districts:	
C1-5 C2-5	2.0
C6-2*	4.2

* In C6-2 Districts, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section [81-742](#) of the #Special Midtown District#, the City Planning Commission shall allow a transfer of development rights pursuant to Section [81-744](#) (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building# or the #community facility# portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

96-102 - Lot coverage regulations

LAST AMENDED
2/2/2011

Within the Preservation Area, the #open space# requirement of Article II, Chapter 3, and the #lot coverage# provisions of Section [24-11](#), are not applicable. The #lot coverage# provisions of this Section apply in lieu thereof. In C6-2 Districts, for the

purposes of determining #lot coverage#, any part of a #building# that is listed as a permitted obstruction in #open space# or in a #rear yard# shall not be included in #lot coverage#. For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent. For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 60 percent.

Any #development# containing #residential uses# shall provide a minimum of 20 percent of the #lot area# of a #zoning lot# as usable, landscaped open area for occupants of #dwelling units# in the #development#.

96-103 - Yard regulations

LAST AMENDED

2/2/2011

The #yard# regulations of this Section apply to any #development# or #enlargement#.

For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide street#, no #rear yard# shall be required.

For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, a #rear yard# having a minimum depth of 30 feet shall be required.

On a #through lot#, or portion thereof, more than 100 feet from the #street line# of a #wide street#, the #rear yard equivalent# provisions of Section [23-532](#), paragraph (a), shall apply.

96-104 - Height and setback regulations

LAST AMENDED

8/11/2022

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

(a) #Street wall# location

For #zoning lots# with #wide street# frontage, #street walls# shall be located on the #wide# #street line# and extend along the entire #wide street# frontage of the #zoning lot#. For #corner lots# with #narrow street# frontage, #street walls# shall be located on and extend along the #narrow# #street line# within 50 feet of the #wide street#.

For #zoning lots# with #narrow street# frontage, #street walls# shall be located on the #street line# and extend along the entire #narrow street# frontage of the #zoning lot# beyond 50 feet of a #wide street#. However, where the #street wall# of an adjacent #building# fronting on the same #narrow# #street line# is located within 10 feet of the #street line#, the #street wall# of the #building# may be aligned with the #street wall# of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such #building#. The portion of a #zoning lot# that is located between a #street wall# and the #street line#, pursuant to the optional #street wall# location provisions of this paragraph (a), shall be maintained at the same elevation as the adjoining sidewalk. In addition, such portion of a #zoning lot# shall be planted, except at the entrances to and exits from the #building#, or adjacent to #commercial# #uses# fronting on the #street#.

(b) Permitted recesses

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

(c) #Building# height

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

(d) The City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

In conjunction with such height and setback modifications, the Commission may allow modifications to other applicable #bulk# regulations of this Resolution, except #floor area ratio# regulations, for a #building# #developed# or #enlarged# using #public funding#, as defined in Section [23-911](#), to support #residences# with rents restricted pursuant to a regulatory agreement with a City, State, or Federal agency, provided that such #building# is located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility. In order to grant such special permit, the Commission shall find that:

- (1) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;
- (2) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;
- (3) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and
- (4) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.

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

96-105 - Dwelling unit regulations

LAST AMENDED
2/2/2011

(a) #Dwelling unit# distribution

For #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, the density requirements of the underlying districts shall be inapplicable. In lieu thereof, the required #lot area# per #dwelling unit# of a #development#, #enlargement#, #extension# or #conversion# of an existing #building# to a

#residential use# shall not be less than 168 square feet and the number of two-bedroom units on a #zoning lot# shall not be less than 20 percent.

In addition, the minimum density requirement and the 20 percent, two-bedroom unit requirement set forth in this Section shall apply to any alteration that creates additional #dwelling units# or additional zero-bedroom units. Alterations that reduce the percentage of apartments that contain two bedrooms are not permitted unless the resulting #building# meets the 20 percent, two-bedroom requirement.

However, notwithstanding any provision to the contrary contained in this Section, the minimum density requirement and the 20 percent, two-bedroom unit requirement shall not apply to alterations which add a code-complying bathroom, pursuant to Section 27-2063 of the Housing Maintenance Code of the City of New York, to a #dwelling unit# which is publicly assisted (exclusive of any tax abatement or tax exemption program), and which is administered by a not-for-profit agent.

The City Planning Commission, by special permit, may modify the two-bedroom unit distribution requirement and the density requirement of this Section for an #affordable independent residence for seniors# or for a #residence# substantially for elderly persons with disabilities, under jurisdiction of a State or City agency, provided that the following findings are made:

- (1) that such #residences# are sponsored by a voluntary non-profit organization;
- (2) that the location and size of such facility does not create an undue concentration of #dwelling units# of this type and #community facilities# with sleeping accommodations within the immediate area;
- (3) that there are social service, health and related programs for the residents including a maintenance and security plan;
- (4) that on-site recreation areas for the use of the residents are provided; and
- (5) that the proposed #residences# will not overburden existing public services in the neighborhood.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the residential character of the surrounding area.

- (b) Special provisions for owner-occupied #buildings# containing #residences#

For alterations of #buildings# containing #residences#, which #buildings# are owner-occupied and which contain four or fewer #dwelling units#, the #dwelling unit# distribution provisions of this Section shall not apply.

96-106 - Special regulations for existing storefronts

LAST AMENDED

11/21/1974

Any vacant ground floor store in an underlying #Residence District# may change to a conforming #use# or to a #use# listed in Use Group 6 regardless of the two-year discontinuance provisions of Section [52-61](#).

96-107 - Special regulations for community facility uses

LAST AMENDED

2/2/2011

#Developments#, #enlargements# or #extensions# of #community facility# #uses# or #conversions# of an existing #building# to a #community facility# #use#, are permitted on #zoning lots# containing existing #buildings# with #residential uses# only pursuant to the provisions of this Section. The City Planning Commission, by special permit, may permit #developments#, #enlargements# or #extensions# of #community facility# #uses#, provided that the Commission makes the following findings:

- (a) that the existing #building# is not eligible for rehabilitation under any active publicly aided program under which funds are available;
- (b) that, prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Department of Housing Preservation and Development of his or her intention to demolish the #building#; and
- (c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110.

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

96-108 - Demolition of buildings

LAST AMENDED
2/2/2011

No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of #residential# #floor area# in a #building# shall be issued by the Department of Buildings for any #building# containing #dwelling units# within the Preservation Area, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

However, the City Planning Commission, by a special permit, may allow demolition of #buildings# containing #dwelling units# or #rooming units# other than unsafe #buildings# within the Preservation Area, provided that the Commission makes the following findings:

- (a) that the existing #building#:
 - (1) is not eligible for rehabilitation under any active publicly-aided program under which funds are available; or
 - (2) is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#.
- (b) that prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the owner shall have notified the applicable governmental agency of its intention to demolish the #building#.
- (c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section [96-110](#); and
- (d) that an acceptable program for #development# of the #zoning lot# is submitted to the Commission which indicates that to the extent permitted by the provisions of Section [96-10](#) (PRESERVATION AREA), the number of new #dwelling units# to be constructed is at least equal to the number of #dwelling units# to be demolished and that the #floor area# of the #development# containing #residences# is at least equal to the #floor area# of the #dwelling units# to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #use# proposed on the site

prior to any construction is in conformance with the purposes of this Special District.

96-109 - Alterations of buildings

LAST AMENDED

8/16/1990

Prior to the issuance of an alteration permit by the Department of Buildings for a #material alteration# of a #multiple dwelling# within the Preservation Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings that:

- (a) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Commissioner of his or her intention to alter the #building#; and
- (b) the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110.

However, a permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

- (1) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or
- (2) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

For the purposes of this Section, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

96-110 - Harassment and cure

LAST AMENDED

2/2/2011

(a) Definitions

(1) Application date

“Application date” shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

(2) Cure compliance lot

“Cure compliance lot” shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. Each #cure compliance lot# shall be located entirely within the corresponding #cure requirement lot#.

(3) Cure requirement

“Cure requirement” shall mean #floor area# in an amount not less than the greater of:

- (i) 28 percent of the total #residential# and #hotel# #floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or

(ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

#Cure requirement# shall also mean any cure for harassment that was approved by the City Planning Commission or the Department of Housing Preservation and Development and was permitted by the provisions of this Section prior to December 21, 2005.

(4) Cure requirement lot

“Cure requirement lot” shall mean:

- (i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or
- (ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(5) Dwelling unit

“Dwelling unit” shall have the meaning set forth in the Multiple Dwelling Law.

(6) Exempt hotel

“Exempt hotel” shall mean any #multiple dwelling#:

- (i) which is a #transient hotel# and was a #transient hotel# on the #referral date#; and
- (ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and
- (iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(7) Exempt institutional residence

“Exempt institutional residence” shall mean any #multiple dwelling#:

- (i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#; and
- (ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(8) Inquiry period

“Inquiry period” shall mean a period which:

- (i) commences 15 years prior to the #application date#; and

(ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

(a) set such commencement date upon any date which is on or after the #referral date#, and is more than 15 years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section; and

(b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(9) Low income housing

“Low income housing” shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than 80 percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(10) Referral date

“Referral date” shall mean September 5, 1973.

(11) Restrictive declaration

“Restrictive declaration” shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;

(ii) provides that the #low income housing# must comply with the requirements of Section [23-90](#) for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development. However, in the Preservation Area, paragraph (c) of Section [23-96](#) (Requirements for Generating Sites or MIH Sites), shall be inapplicable and in its place and stead, paragraph (a) of Section [96-105](#) (Dwelling unit regulations) shall be applicable;

(iii) contains such other terms as the Department of Housing Preservation and Development shall determine;

(iv) has been approved by the Department of Housing Preservation and Development;

(v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors;

(vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors; and

(vii) is perpetual in duration.

(12) Rooming unit

#Rooming unit# shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

- (1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, no permit may be issued by the Department of Buildings pursuant to Sections [96-109](#) or [96-24](#), and no special permit may be granted by the City Planning Commission pursuant to Sections [96-107](#) or 96-108.
- (2) The following structures shall be exempt from the provisions of this Section:
 - (i) any city-owned #multiple dwelling#;
 - (ii) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;
 - (iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;
 - (iv) any #exempt hotel#;
 - (v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and
 - (vi) any #exempt institutional residence#.
- (3) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

- (1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.
- (2) There shall be a rebuttable presumption that #harassment# occurring within the #inquiry period# was committed by or on behalf of the owner of such #multiple dwelling# and that such #harassment#:
 - (i) was committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy; and
 - (ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.
- (3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:
 - (i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application;

- (ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development including, but not limited to, costs for publication of any notices;
 - (iii) establish the duration for which a #certification of no harassment# will remain effective; and
 - (iv) authorize the rescission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such rescission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.
- (4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:
- (i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#;
 - (ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or
 - (iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.
- (5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.
- (6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than 15 years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(8) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged #harassment#.
- (7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.
- (i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.
 - (ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and

Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

- (8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been #harassment#, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

- (1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

- (2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

- (i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.
- (ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:
- (a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and
- (b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.
- (iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.
- (iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

- (3) No portion of the #low income housing# required under this Section shall qualify to:

- (i) increase the #floor area ratio# pursuant to Section [96-21](#) (Special Regulations for 42nd Street Perimeter Area); Section [96-22](#) (Special Regulations for Eighth Avenue Perimeter Area); any #floor area ratio# increase provision of the #Special Garment Center District#, #Special Hudson Yards District#, #Special West Chelsea District#; or Section [23-90](#); or
- (ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

96-111 - Off-street parking regulations

LAST AMENDED

5/8/2013

#Accessory# off-street parking spaces, #public parking lots# or #public parking garages# are not permitted within the Preservation Area except by the applicable special permit in Section [13-45](#) (Special Permits for Additional Parking Spaces), inclusive.

In addition, the Commission shall find that:

- (a) the property has been or will be vacated pursuant to the provisions of Section [96-108](#); and
- (b) the applicant has followed the relocation procedures set forth in Section [96-24](#).

96-20 - PERIMETER AREA

LAST AMENDED

2/2/2011

#Developments# or #enlargements# within the Perimeter Area shall be eligible for increased #floor area# only pursuant to Sections [96-21](#) (Special Regulations for 42nd Street Perimeter Area) or [96-22](#) (Special Regulations for Eighth Avenue Perimeter Area). Because of increased pressures for #development#, the relocation and demolition provisions of Section [96-24](#) (Relocation and Demolition of Buildings in the Perimeter Area) shall apply therein for all demolition, #development#, #enlargement# or #extensions# on lots containing #residential uses#. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed to another #non-conforming# #use# only in accordance with the provisions of Sections [52-31](#) (General Provisions), [52-33](#) (Manufacturing or Related Uses in Residence Districts), [52-34](#) (Commercial Uses in Residence Districts), [52-35](#) (Manufacturing or Related Uses in Commercial Districts) and [52-36](#) (Non-conforming Commercial Uses in Commercial Districts).

96-21 - Special Regulations for 42nd Street Perimeter Area

LAST AMENDED

10/7/2021

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

(a) Special use regulations

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, the following special use regulations shall apply:

(1) Offices

Any development or enlargement that includes Use Group 6B offices developed or enlarged after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(2) Automobile showrooms and repairs

In Subarea 1, on the block bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street, automobile showrooms or sales, with vehicle storage, preparation of automobiles for delivery, and automobile repairs may be permitted within a completely enclosed building, below the level of any floor occupied by dwelling units, provided that:

- (i) access for automobiles to the portions of the building to be used for vehicle storage, preparation of automobiles for delivery, and automobile repairs shall be located on West 43rd Street;
- (ii) areas within the building used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for accessory parking for other uses on the zoning lot; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an accessory group parking facility; and
- (iii) the portions of the building used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a cellar level.

(b) Floor area regulations

(1) Floor area regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, the basic floor area ratio on a zoning lot shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section 23-154 (Inclusionary Housing), except that any units for which a floor area increase has been earned, pursuant to Section 23-154 shall be within the Special Clinton District. In addition, for developments or enlargements on qualifying transit improvement sites, a floor area bonus for mass transit station improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

(2) Floor area regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, the basic floor area ratio on a zoning lot shall be 10.0. However, the floor area ratio on a zoning lot containing residential use may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-154, except that any units for which a floor area increase has been earned pursuant to Section 23-154 shall be within the Special Clinton District. For zoning lots containing developments or enlargements that have fully utilized the Inclusionary Housing Program, the maximum permitted floor area ratio may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New

Theater Use).

Any #development# or #enlargement# on a #zoning lot# that includes the area bounded by a line 129 feet east of and parallel to Tenth Avenue, West 42nd Street, a line 184 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 42nd Street shall provide an easement or other agreement for public access to the subway mezzanine or station, as illustrated on the District Map in Appendix A of this Chapter.

An instrument establishing such transit easement or other agreement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

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

The provisions of paragraph (b) of Section [93-65](#) (Transit Facilities) shall apply to any subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station on the tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of this Chapter.

(3) Additional regulations for Subareas 1 and 2

In Subareas 1 and 2, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section [35-64](#) (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section [23-16](#) (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (i) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (ii) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

(c) Retail continuity requirements

For #buildings# #developed# or portions of #buildings# #enlarged# after August 17, 1990, where the ground floor level of such #development# or the #enlarged# portion of the #building# fronts upon West 42nd Street, between Ninth and Twelfth Avenues:

- (1) at least 50 percent of the #street# frontage of #stories# that have a floor level within five feet of #curb level# shall be limited to Use Groups 4A, 6A, 6C, 10A, 11, 12A and 12B; and
- (2) the length of the facade of such #street wall# fronting on West 42nd Street shall be glazed in accordance with the provisions of Section [37-34](#) (Minimum Transparency Requirements).

(d) #Street wall# continuity requirements

- (1) At least 80 percent of the #aggregate width of street walls# of a #building# fronting on West 42nd Street, up to a

height of 45 feet, shall be located within 10 feet of the #street line# of such #street#.

- (2) The minimum height of the #street wall# of a #building# above #curb level# shall be no less than 45 feet, or the height of the #building#, whichever is less, and no more than 85 feet. Above this required height, the #street wall# of a #building# shall set back at least five feet. The requirements of this paragraph shall also apply to any #building# on a #wide street# frontage within a distance of 50 feet from its intersection with West 42nd Street.

(e) Pedestrian circulation space

Within Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, pedestrian circulation space shall be provided in accordance with the provisions of Section [37-50](#). In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

(f) Special curb cut and parking provisions

No curb cuts shall be permitted on 42nd Street. The parking provisions of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section [93-80](#) (OFF-STREET PARKING REGULATIONS), except that such parking provisions shall not apply to any #development# or #enlargement# for which a special permit was granted prior to January 19, 2005.

Any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004, shall comply with either the parking regulations in effect at the time the permit was issued, or the provisions of this paragraph (f).

96-22 - Special Regulations for Eighth Avenue Perimeter Area

LAST AMENDED
10/7/2021

For #zoning lots#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only pursuant to Section [23-90](#) (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section [23-90](#) shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

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

96-23 - Special Permit for Modification of Height and Setback Regulations

LAST AMENDED
2/2/2011

Except within the Eighth Avenue Perimeter Area set forth in Section [96-22](#), the City Planning Commission, by special permit, may permit modification of height and setback regulations for #developments# or #enlargements# which have generated an increase in the #floor area ratio# of not more than 2.0 under the provisions of Section [96-21](#) (Special Regulations for 42nd Street Perimeter Area), provided that such modification is necessary to achieve better site planning.

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

96-24 - Relocation and Demolition of Buildings in the Perimeter Area

LAST AMENDED 12/21/2005

Prior to the issuance by the Department of Buildings of a demolition permit or a permit for any #development#, #enlargement# or #extension# on any #zoning lot# containing #residential uses# within the Perimeter Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings:

- (a) that prior to evicting or otherwise terminating the occupancy of any tenant in connection with vacating any #building#, the developer shall have notified the Department of Housing Preservation and Development of plans for the relocation of tenants which shall:
 - (1) to the extent possible provide for the relocation of tenants within the Clinton District; and
 - (2) provide for the satisfaction of all the requirements for the issuance of a certificate of eviction under applicable rent control and rent stabilization regulations of the State of New York; and
- (b) that the developer has complied with the relocation plan submitted pursuant to paragraph (a) of this Section and that the Department of Housing Preservation and Development has issued a #certification of no harassment#, or that the owner has complied with paragraph (d) of Section 96-110.

96-25 - Floor Area Bonus for New Theater Use

LAST AMENDED
2/2/2011

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue that have fully utilized a #floor area# increase pursuant to Section [23-90](#) (INCLUSIONARY HOUSING), the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space," which, for the purposes of this Section, shall mean space to be used as a legitimate theater or for non-profit performing arts use. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, after referral for review and receipt of recommendations from the applicable Community Board, that the following conditions have been met:

- (a) all #floor area# for any performance space for which a bonus is received pursuant to this Section, shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, ticket offices, restrooms and circulation space. Any other use of the bonused performance space shall not comprise more than 25 percent of the total #floor area# of such performance space;

- (b) such performance space shall be designed, arranged and used for live performances and rehearsals of drama, music or dance and shall have at least 100 and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats, and adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats. Performance space for which a bonus is received pursuant to this Section, shall only be used for non-profit performing arts use provided the #development# or #enlargement# contains at least two performance spaces used exclusively for performances of legitimate theater;
- (c) a letter from the Department of Cultural Affairs shall be submitted, certifying that:
- (1) a signed lease has been provided from the prospective operator of the performance space, or a written commitment from the owner of the performance space if such owner is also the operator, for occupancy of the performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;
 - (2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;
 - (3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural and mechanical systems, as necessary to ensure that such performance space will operate efficiently for its intended use;
 - (4) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and
 - (5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.
- (d) a legal commitment has been provided for inspection and ongoing maintenance of the performance space to ensure its continued availability for #use# as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs and the applicable Community Board. Such report shall describe the condition of the performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and
- (e) a legal commitment has been provided for continuance of the #use# of all #floor area# in the bonused performance space as legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraphs (c)(1), (c)(2) and (c)(3) of this Section have been met as to the proposed operator and, where substantial renovation of the performance space, as defined by the Commissioner of the Department of Cultural Affairs, is being proposed in conjunction with the change of operator, that the provisions of paragraphs (c)(3) and (c)(4) of this Section have been met as to such substantial renovation. Any application or submission with respect to a change in operator made pursuant to the provisions of such legal commitment, shall be referred to the affected Community Board. The Commissioner of the Department of Cultural Affairs shall not issue a letter with respect to such application prior to 45 days after such referral. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development# or #enlargement#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the performance space and their successors and

assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson under the terms of such declaration, and receipt of a certified copy of such declaration, shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the performance space is substantially complete, which shall, for this purpose, mean that such performance space is usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for the #development# or #enlargement#, until the performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

Notwithstanding the foregoing, the Chairperson of the City Planning Commission may accept a declaration of restrictions or in the case of a certification issued by the Chairperson prior to January 28, 2009, a modified declaration of restrictions, which shall allow the owner to apply for and accept, and the Department of Buildings to issue, temporary and permanent certificates of occupancy for the portion of the #development# or #enlargement# which utilizes the increased #floor area# permitted pursuant to this Section prior to substantial or final completion of the performance space, as the case may be, provided that, under the terms of such declaration of restrictions or modified declaration of restrictions, the owner shall not apply for or accept temporary certificates of occupancy for any such portion of the #development# or #enlargement# unless and until the Commissioner of the Department of Cultural Affairs has certified that the core and shell of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner, and that ownership of the performance space has been transferred to the prospective operator.

In the event of a transfer of ownership of the performance space, certification pursuant to paragraph (c)(1) of this Section, shall not require the provision of the signed lease or written commitment described therein, and the operating plan and program for the performance space shall be provided by the prospective owner.

Any application for certification of a #floor area# bonus for theater #use#, pursuant to this Section, shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Chairperson of the City Planning Commission shall not grant any such certification prior to 45 days after such referral.

96-30 - OTHER AREAS

LAST AMENDED
5/14/2014

In Area C, the regulations of the underlying districts shall apply, except as otherwise set forth in this Section, inclusive. The boundaries of Northern Subarea C1 and Western Subarea C2 are shown on the District Map in Appendix A of this Chapter.

96-31 - Special Regulations in R8 Districts

LAST AMENDED

- (a) In R8 Districts, other than R8A Districts, in Western Subarea C2, including #Commercial Districts# mapped within such R8 Districts, the following special regulations shall apply:
 - (1) the provisions of Sections [96-101](#) (Floor area regulations) and [96-104](#) (Height and setback regulations); and
 - (2) the provisions of Section [96-102](#) (Lot coverage regulations), except that for all portions of a #zoning lot# located in Other Areas and more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent of the portion of the #zoning lot# in Other Areas.

(b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, the following special regulations shall apply:

(1) Inclusionary Housing Program

- (i) R8A Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas#, pursuant to Section [12-10](#) (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 5.4, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 7.2 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Sections [23-154](#) and [23-90](#). However, any units for which a #floor area# increase has been earned, pursuant to Section [23-154](#) shall be located within the #Special Clinton District#.

- (ii) Optional provisions for #affordable housing#

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, Eleventh Avenue, West 53rd Street and Tenth Avenue, the special optional regulations as set forth in paragraph (b)(1)(ii) of this Section, may modify the provisions of Section [23-154](#).

The #residential# #floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section [23-154](#). However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

For the purposes of this paragraph (b)(1)(ii), #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered

#middle income floor area#.

(2) Special #use# and #bulk# regulations for existing electrical utility substations

Electrical utility substations, operated for public utility purposes, existing on June 14, 2011, and located wholly or partially within the portion of Western Subarea C2 east of Eleventh Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section [54-40](#) (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

96-32 - Special Regulations in R9 Districts

LAST AMENDED

4/16/2015

In R9 Districts in Western Subarea C2, the provisions of Section [23-66](#) (Height and Setback Requirements for Quality Housing Buildings) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section [35-65](#) (Height and Setback Requirements for Quality Housing Buildings) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section [23-011](#) (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section [23-011](#) shall apply.

(a) Inclusionary Housing Program

- (1) R9 Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas# pursuant to Section [12-10](#) (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 6.0, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 8.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Sections [23-154](#) (Inclusionary Housing) and [23-90](#). However, any units for which a #floor area# increase has been earned pursuant to Section [23-154](#) shall be located within the #Special Clinton District#.

- (2) Optional provisions for #large-scale general developments# within Western Subarea C2

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, Eleventh Avenue, West 53rd Street and Tenth Avenue, the special optional regulations as set forth in paragraph (a)(2) of this Section may modify the provisions of Section [23-154](#).

The #residential# #floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of

#middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section [23-154](#). However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income households# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

For the purposes of this paragraph (a)(2), #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(b) #Uses# in Western Subarea C2 located within a #large-scale general development#

- (1) In a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses#:

From Use Group 8:

Lumber stores, with no limitation on #floor area#

From Use Group 10:

Photographic or motion picture production studios

From Use Group 12:

Art galleries, commercial

From Use Group 13:

Theaters

From Use Group 16:

Automotive service establishments

From Use Group 17:

Scenery construction.

- (2) #Uses# permitted pursuant to paragraph (b)(1) shall be subject to the #commercial# #bulk# regulations of Article III, that are applicable to a C2-5 District mapped within an R9 District.
- (3) The supplemental #use# provisions of Section [32-421](#) shall not apply to #commercial# #uses# located in a #building# with frontage on West 52nd Street.

(c) Height and setback modification

For any #development# or #enlargement# subject to the provisions of Section [74-681](#) (Development within or over a railroad or transit right-of-way or yard), the City Planning Commission may permit the modification of the applicable height and setback regulations, the open area planting requirements of Section [23-892](#) (In R6 through R10 Districts), and the permitted obstructions in #rear yard# or #rear yard equivalent# regulations of Section [23-44](#), provided that:

- (1) such modification of height and setback regulations will:
 - (i) result in a #building# that has a maximum #building# height of 155 feet;
 - (ii) result in a better distribution of #bulk# on the #zoning lot#; and
 - (iii) permit adequate access of light and air to surrounding #streets# and adjacent properties;
- (2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and the area between the #street wall# and #street line# of the #buildings# shall be improved with moveable planters; and
- (3) any obstruction permitted in a #rear yard# or #rear yard equivalent# pursuant to this Section is necessary to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that is expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

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

96-33 - Special Regulations in M2-4 Districts

LAST AMENDED
6/14/2011

96-331 - Adult establishments

LAST AMENDED
6/14/2011

The provisions of Section [52-77](#) (Termination of Adult Establishments) shall not apply to any #adult establishment# that located within the #Special Clinton District# after October 25, 1995, and prior to May 11, 2011, and which, as of May 11, 2011, and June 14, 2011, was an existing #use# and conformed to all provisions of Section [42-01](#) (Special Provisions for Adult Establishments) applicable to M2-4 Districts.

96-332 - Height and setback

LAST AMENDED
6/14/2011

In M2-4 Districts in Western Subarea C2, the underlying height and setback regulations shall apply as modified by the following special #bulk# regulations.

For all #buildings or other structures#, the #street wall# of a #building# shall rise without setback to a minimum base height of

50 feet, or the height of the #building#, whichever is less, and a maximum base height of 95 feet. No portion of a #building# shall exceed a height of 135 feet and no #sky exposure plane# shall apply.

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height.

On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

96-34 - Special Regulations in Northern Subarea C1

LAST AMENDED
9/14/2016

Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, are subject to the special #use# regulations of this Section. In addition, the special Inclusionary Housing regulations set forth in this Section shall apply in Area C1-1.

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in APPENDIX F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section [12-10](#) (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential# #floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section [23-154](#) (Inclusionary Housing). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

In Special Use Regulations Areas C1-1 and C1-2, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

- (1) automobile showrooms or sales with preparation of automobiles for delivery; and

- (2) automobile repairs.

96-40 - MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS

LAST AMENDED

2/2/2011

For parcels within the #blocks# bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, within a #general large-scale development# that occupies #zoning lots# on more than one #block#, the City Planning Commission may permit the modification of #open space# required pursuant to Section [23-15](#) (Open Space and Floor Area Regulations in R6 Through R10 Districts) as part of a special permit, pursuant to Section [74-743](#) (Special provisions for bulk modification), provided the Commission finds that:

- (a) the amount of #open space# provided is sufficient to meet the needs of the residents of the #general large-scale development#; and
- (b) such modification results in improved site planning.

96-50 - REGULATIONS APPLICABLE TO ALL AREAS

LAST AMENDED

2/2/2011

The provisions of Sections [96-51](#) (Mandatory Tree Planting Provisions), [96-52](#) (Bulk Modifications for Public Parking Garages) and [96-53](#) (Conversions to Residential Use) shall apply to all areas within the Special District.

96-51 - Mandatory Tree Planting Provisions

LAST AMENDED

4/30/2008

In addition to the applicable underlying #street# tree planting requirements, tree planting provisions shall also apply to #extensions# or alterations, other than #incidental alterations#, involving 30 percent or more of the existing #floor area# of a #building#. Notwithstanding the provisions of Section [43-02](#) (Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Clinton District# that include #uses# listed in Use Group 17 or 18 shall provide #street# trees in accordance with Section [26-41](#) (Street Tree Planting).

96-52 - Bulk Modifications for Public Parking Garages

LAST AMENDED

1/19/2005

Except within the Eighth Avenue Perimeter Area set forth in Section [96-22](#) (Special Regulations for Eighth Avenue Perimeter Area), in all other C6 Districts, the City Planning Commission, by special permit, may permit, for #public parking garages#, modification of the applicable #lot coverage#, #yard# and height and setback regulations. As a condition of permitting such modifications, the Commission shall make the following findings:

- (a) that, because of site limitations, such modifications are necessary for the proper design and operation of the #public parking garage#; and

(b) that, such modifications will not unduly obstruct access to light and air in the #street# or on adjacent #zoning lots#.

The Commission shall consider the characteristics of surrounding development and may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of adjacent areas.

96-53 - Conversions to Residential Use

LAST AMENDED

2/2/2011

For #conversions# to #residential use# of a #building#, predominantly occupied by #uses# listed in Use Groups 3, 4 or 5, that exceeds the #residential# #floor area# permitted by the applicable district regulations, the City Planning Commission by special permit, may permit such #building# to be #converted# to #residential use# in its entirety, provided that such #building# includes social or recreational space primarily for the use of occupants of #dwelling units# or #rooming units# in the #development# and which may also be made available to the community.

There shall be at least 30 square feet of social or recreational space for each #dwelling unit# or a total area of at least 5,000 square feet, whichever is greater. Such space may be located outdoors at grade level or at any floor level including roof areas. The maximum number of #dwelling units# shall be determined in accordance with the provisions of Section [15-111](#) (Number of permitted dwelling units). The Commission may prescribe conditions and safeguards to minimize possible adverse effects on adjoining properties.

As a condition of approval, the Commission shall find:

- (a) that because of site and building limitations, such modifications are necessary for the proper design and functioning of the #converted# #building#;
- (b) that such modifications will result in adequate access of light and air to the newly created #dwelling units# and to surrounding development;
- (c) that the social or recreational space contains adequate facilities to serve the needs of the residents and wherever possible the surrounding community;
- (d) that there is suitable separation between #dwelling units# and floor space occupied by non-#residential# or #accessory# #uses#; and
- (e) that such #conversion# will not unduly increase the density of population or intensity of #use# to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#.

The Commission may prescribe conditions and safeguards to minimize possible adverse effects on adjoining properties and may require a program for operation and maintenance of recreational spaces.

96-60 - SPECIAL PERMIT PROCEDURE

LAST AMENDED

11/21/1974

96-601 - Requirements for applications

LAST AMENDED

8/6/1998

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter, shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

Notwithstanding the foregoing, in the Eighth Avenue Perimeter Area, all applications made pursuant to the #Special Midtown District# shall be subject to the guidelines and provisions of Article VIII, Chapter 1 (Special Midtown District), instead.

All applications relating to Section [96-111](#) (Off-street parking regulations) shall be referred by the Commission to the Department of Transportation for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location.

If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issues referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

96-602 - Relationship to public improvement projects

LAST AMENDED
2/2/2011

In all cases, the City Planning Commission shall deny a special permit application whenever the #development# or #enlargement# will interfere with a public improvement project, including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities, which is approved by, or pending before, the Board of Estimate or City Planning Commission, as determined from the Calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

96-70 - SPECIAL PERMITS PREVIOUSLY AUTHORIZED

LAST AMENDED
11/21/1974

Whenever, under the provisions of the Special Clinton Interim District or any prior zoning regulation, the City Planning Commission has authorized any special permit, the status of such special permit shall not be altered by the provisions of this Chapter.

96-80 - EXCLUDED AREAS

LAST AMENDED
11/27/2012

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

- (a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, provided that in this area the provisions of Sections [96-40](#) (MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS), [96-51](#) (Mandatory Tree Planting Provisions) and [96-82](#) (C6-3X Districts) shall apply.

In addition, for parcels in C6-3X Districts, bounded by West 53rd Street, Tenth Avenue, West 54th Street and Eleventh Avenue, the following shall be permitted #uses# below the level of any floor occupied by #dwelling units#:

- (1) automobile showrooms with automobile sales and preparation of automobiles for delivery;
- (2) automobile repairs; and
- (3) New York City Police Department stables for horses, with #accessory# automobile parking.

For a #building# that, at the time of approval by the Department of Buildings, included space designed for stable use for New York City Police Department horses, and the ceiling height of such stable space, as measured from the #base plane#, exceeds 23 feet, then any floor space occupied by #accessory# parking located on the floor immediately above such stable space and immediately below the level of any floor occupied by #dwelling units# shall be exempted from the definition of #floor area#.

- (b) the block bounded by West 49th Street, Eighth Avenue, West 50th Street and Ninth Avenue which was the site of the former Madison Square Garden;
- (c) property bounded by West 45th Street, the easterly right-of-way of the Amtrak Empire Line, West 44th Street and Eleventh Avenue, provided that in this area the provisions of Section [96-81](#) (R10 Districts) shall apply;
- (d) the block bounded by West 42nd Street, Ninth Avenue, West 43rd Street and Tenth Avenue;
- (e) property bounded by West 56th Street, Ninth Avenue, West 57th Street and a line 200 feet west of Eighth Avenue.

96-81 - R10 Districts

LAST AMENDED
5/14/2014

R10 Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section [12-10](#) (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

96-82 - C6-3X Districts

LAST AMENDED
6/14/2011

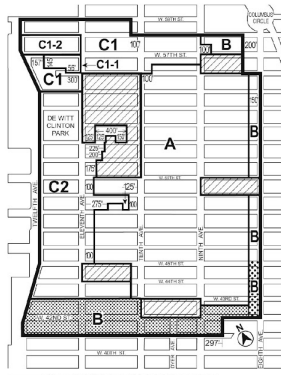
- (a) Inclusionary Housing Program

C6-3X Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section [12-10](#) (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

- (b) Maximum #floor area ratio#

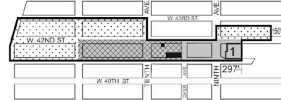
Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 6.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 9.0, through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section [23-90](#).

Appendix A - Special Clinton District Map - (96A)

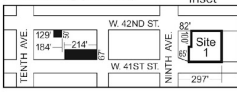


- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
 - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
 - Portion of Perimeter Area B also subject to Article VIII, Chapter 1 (Special Midtown District)
- C** Other Areas
 - C1 Northern Subarea
 - C1-1 Special Use Regulations Area
 - C1-2 Special Use Regulations Area
 - C2 Western Subarea
- Excluded Area

42nd Street Perimeter Area



- Subarea 1 of 42nd Street Perimeter Area
- Subarea 2 of 42nd Street Perimeter Area
- Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies
- Where Special Parking Regulations apply (See Inset)
- Transit Facility (See Inset)





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 7 - Special 125th Street District (125)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 7 - Special 125th Street District (125)

97-00 - GENERAL PURPOSES

LAST AMENDED
11/30/2017

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
 - (b) to guide development on the 125th Street corridor;
 - (c) to expand the retail and commercial character of 125th Street;
 - (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
 - (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
 - (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
 - (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
 - (h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and
 - (i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.
-

97-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section [12-10](#) (DEFINITIONS).

97-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the Special District shall apply within the Special District.

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

97-03 - District Plan and Maps

LAST AMENDED
11/30/2017

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and Subdistricts), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

97-04 - Establishment of Subdistricts

LAST AMENDED
12/19/2017

In order to carry out the purposes and provisions of this Chapter, three subdistricts are established within the #Special 125th Street District#: the Core Subdistrict, the Park Avenue Hub Subdistrict and Subdistrict A. Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the subdistricts are shown on Map 1 in Appendix A of this Chapter.

97-05 - Establishment of Bonused Space Local Arts Advisory Council

LAST AMENDED
4/30/2008

A Bonused Space Local Arts Advisory Council shall be created for the purpose of reviewing and making recommendations concerning the Community Engagement Plans of proposed operators of visual or performing arts #uses# pursuant to paragraph (c)(7) of Section [97-423](#) (Certification for floor area bonus for visual or performing arts uses). The Bonused Space Local Arts Advisory Council shall consist of 11 members: two (2) members appointed by the Commissioner of the Department of Cultural Affairs, one of whom shall be designated by such Commissioner to serve as Chair, and three (3) members appointed by each of the Council Members for the Councilmanic Districts in which the Special District is located, who will rotate depending upon where the proposed visual or performing arts #use# is located, pursuant to Sections [97-422](#) and [97-423](#). Members of the Bonused Space Local Arts Advisory Council shall be members of the Harlem performing or visual arts, non-profit, or business communities and shall serve at the pleasure of the appointing official. The Department of Cultural Affairs shall provide staff assistance to the Bonused Space Local Arts Advisory Council and shall establish guidelines and procedures for the performance of its functions.

In making a recommendation concerning a Community Engagement Plan pursuant to paragraph (c)(7) of Section [97-423](#), the Bonused Space Local Arts Advisory Council shall consider the prior history and/or proposed scope of outreach and educational activities in Community Boards 9, 10 or 11 by the proposed operator; and the organizational capacity and commitment of the proposed operator to implement local partnerships under the Community Engagement Plan. The Department of Cultural Affairs shall not submit a letter to the Chairperson of the City Planning Commission pursuant to paragraph (c)(7) of Section [97-423](#) without having first received and considered the written recommendation of the Bonused Space Local Arts Advisory Council, provided that the Bonused Space Local Arts Advisory Council shall have provided the Department of Cultural Affairs with such written recommendation no later than 45 days following receipt of a request for review from the Department of Cultural Affairs.

97-06 - Applicability of District Regulations

LAST AMENDED
12/19/2017

97-061 - Applicability of Special Transit Land Use District Regulations

LAST AMENDED
12/19/2017

Wherever the #Special 125th Street District# includes an area which also lies within the #Special Transit Land Use District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs (a)(5) and (a)(6) of Section [97-432](#) (Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict).

97-062 - Applicability of the Quality Housing Program

LAST AMENDED
12/19/2017

In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

97-063 - Applicability of Inclusionary Housing Program

LAST AMENDED
12/19/2017

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section [23-154](#) (Inclusionary Housing) and in Section [23-90](#) (INCLUSIONARY HOUSING), inclusive, #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# within the #Special 125th Street District# are shown on the maps in APPENDIX F of this Resolution.

97-10 - SPECIAL USE AND LOCATION REGULATIONS

LAST AMENDED
4/30/2008

97-11 - Special Arts and Entertainment Uses

LAST AMENDED
4/30/2008

In order to sustain the arts and entertainment character of the 125th Street corridor, the provisions of this Section shall apply.

(a) The following #uses# shall be designated as entertainment #uses#:

Auditoriums

Bookstores

Clubs, including music, dance or comedy clubs

Eating or drinking establishments, with table service only

Music stores

Studios, art, music, dancing or theatrical

Studios, radio, television or motion picture.

(b) The following #uses# shall be designated as visual or performing arts #uses#:

Art galleries

Historical exhibits

Literary arts spaces

Museums

Performance spaces

Primary rehearsal spaces

Theaters

Visual/Media arts spaces.

97-12 - Arts and Entertainment Use Requirement

LAST AMENDED
6/30/2011

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, or for that portion of a #zoning lot# located within the Core Subdistrict, for #buildings# or portions of #buildings# #developed# or #enlarged# after April 30, 2008, that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125th Street, an amount of space equivalent to a minimum of five percent of the #floor area# of the #development# or #enlargement# shall be occupied by one or more of the #uses# designated in Section [97-11](#) (Special Arts and Entertainment Uses).

97-20 - LOCATION AND ACCESS REGULATIONS

LAST AMENDED
11/30/2017

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section [97-21](#) (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, shall apply.

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section [97-21](#), inclusive, shall apply to any #zoning lot#, or portion thereof, specified in Section [97-21](#), and the provisions of Section [97-22](#) (Supplemental Use and Streetscape Regulations Within the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portions thereof.

For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections [12-10](#) (DEFINITIONS) and [37-311](#) (Definitions).

97-21 - Supplemental Use and Streetscape Regulations Along 125th Street

LAST AMENDED
11/30/2017

Within the #Special 125th Street District#, for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the requirements of this Section, inclusive. However, on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-211 - Location of and Access to Arts and Entertainment Uses

LAST AMENDED
11/30/2017

Any arts and entertainment #uses# listed in Section [97-11](#) that are provided in order to comply with the requirements of Section [97-12](#) (Arts and Entertainment Use Requirement) or Section [97-422](#) (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

The designated #uses# listed in Section [97-11](#) may be located anywhere throughout a #building# that fronts on 125th Street, subject to the following conditions:

- (a) any such designated #uses# within the Core Subdistrict required pursuant to Section [97-12](#) shall be accessed from 125th Street; and
- (b) any #residential use# shall be located on a floor wholly above any #commercial# #use#; or
- (c) any #commercial# #use# may be permitted on the same #story# as a #residential use#, provided that:
 - (1) no access exists between #commercial# #uses# and #residential uses# at any level; and
 - (2) #commercial# #uses# are not located directly over any #residential uses#.

Such #commercial# #use#, however, may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

97-212 - Uses not permitted on the ground floor of buildings

†

LAST AMENDED
12/6/2023

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings# #developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings# #enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section [97-213](#) (Access to non-ground floor uses).

From Use Group 2:

All #uses#.

From Use Group 3A:

All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:

All #uses#.

From Use Groups 6A, 6B and 6C:

Banks (except for automated teller machines, provided the width of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, measured to a depth of 30 feet from 125th Street, except that such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:

All #uses#.

From Use Group 7:

All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C and 8D:

All #uses#.

From Use Groups 9A and 9B:

All #uses#, except for #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A and 10B:

Depositories for storage, and wholesale offices or showrooms.

Use Group 11:

All #uses#.

Use Groups 12A and 12B:

Trade expositions.

Use Groups 12C and 12D:

All #uses#.

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

Within the Special District, for such #developments# and #enlargements# that are no more than one #story#, a #use# permitted by the regulations of the underlying district shall be allowed.

97-213 - Access to non-ground floor uses

LAST AMENDED

11/30/2017

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section [97-22](#) shall be as set forth for Type 1 lobbies in Section [37-33](#) (Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

97-214 - Transparency requirements along 125th Street

LAST AMENDED

11/30/2017

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements).

97-22 - Supplemental Use and Streetscape Regulations Within the Park Avenue Hub Subdistrict

LAST AMENDED

11/30/2017

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portions thereof, that are not subject to the provisions of Section [97-21](#) (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

97-221 - Modification of supplemental use location regulations

LAST AMENDED

11/30/2017

The supplementary #commercial# #use# regulations of Section [32-421](#) (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial# #uses# on any #story#, provided that at any level containing #residences#, no access exists between such #commercial# and #residential uses# and provided that such #commercial# #uses# are not located directly over any #residential use#.

97-222 - Ground floor use and streetscape regulations

LAST AMENDED

11/30/2017

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level# #enlargements#. Any portion of a #ground floor level# allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the provisions of Section [37-30](#) (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), any portion of a #ground floor level# #street# frontage along Park Avenue that is not subject to the provisions of Section [97-21](#) (Supplemental Use and Streetscape Regulations Along 125th Street), inclusive, as well as any #narrow street# frontage within 50 feet of Park Avenue, shall be considered #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with the provisions of Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

97-30 - SPECIAL SIGN REGULATIONS

LAST AMENDED
4/30/2008

#Signs# for all #uses# within the #Special 125th Street District# shall be subject to the applicable #sign# requirements in Section 32-60, inclusive, subject to the modifications of Sections 97-31 through 97-34, inclusive.

#Marquee signs# for an arts #use# may be combined, subject to the requirements of Section 32-641 (Total surface area of signs).

In the event of a conflict between the provisions of this Section, 97-30, inclusive, and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

97-31 - Definitions

LAST AMENDED
12/19/2017

Marquee

A “marquee” is a permanent structure or canopy located above the primary entrance to an arts #use# fronting on 125th Street or Fifth Avenue, that projects over the sidewalk and is attached to, and entirely supported from, the #street wall# of the #building#. The location and dimensions of the #marquee# shall be determined by the requirements of Section 97-32.

All #marquees# shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9, of the New York City Building Code, or its successor, pertaining to projecting #signs#.

Marquee sign

A “marquee sign” is a #sign#, other than an #advertising sign#, mounted on a #marquee# that identifies the arts #use# and provides informational displays about such #use#.

97-32 - Location, Height and Width of Marquees and Marquee Signs

LAST AMENDED 12/19/2017

For the purposes of this Chapter, #marquees# shall be permitted only above the primary entrance to one of the following #uses# fronting upon 125th Street or Fifth Avenue:

Museums

Performance spaces

Theaters

#Marquees# shall project over the sidewalk no more than 15 feet from the #lot line# and shall be no nearer to the curb than two feet.

(a) Height of #marquees#

The minimum height of a #marquee# or a #marquee sign# shall be three feet; the maximum height for such structure and #sign# shall be five feet. No part of a #marquee# or a #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(b) Width of #marquees#

The width of a #marquee# or a #marquee sign# shall be no greater than 50 percent of the width of the #building# frontage to which it is attached or 40 feet, whichever is less.

97-33 - Vertical Distance Above Sidewalk of Marquees and Marquee Signs

LAST AMENDED
4/30/2008

The minimum vertical distance from the sidewalk for a #marquee# shall be 12 feet; the maximum vertical distance above the sidewalk for such #marquee# shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section [32-653](#) (Additional regulations for projecting signs), additional #signs# may be displayed on a #marquee#, provided such #sign# is no more than two feet above the #marquee#.

No #marquee# or #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

97-34 - Accessory Signs for Visual or Performing Arts Uses

LAST AMENDED
4/30/2008

Notwithstanding the regulations of paragraph (b) of Section [32-653](#) (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following visual or performing arts #uses# fronting on 125th Street or Fifth Avenue within the #Special 125th Street District# shall be permitted to erect a #marquee sign# on or above a #marquee#:

Museums

Performance spaces

Theaters.

#Flashing signs# shall not be permitted as #accessory# #signs# for arts #uses#.

97-40 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/19/2017

Within the #Special 125th Street District#, for #developments# or #enlargements#, the applicable #bulk# regulations of the underlying districts shall apply, except as modified by the provisions this Section, inclusive.

97-41 - Special Floor Area Regulations

LAST AMENDED
11/30/2017

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

97-411 - Maximum floor area ratio within the Core Subdistrict and areas outside of a subdistrict

LAST AMENDED
12/19/2017

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and in areas outside of a subdistrict, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility# #uses#, and may only be increased pursuant to Section [97-42](#) (Additional Floor Area and Lot Coverage Regulations), inclusive.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES

District	Outside the Core Subdistrict			Within the Core Subdistrict		
	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Community Facility Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Community Facility Floor Area Ratio#
C4-4D	5.4	4.0	6.0	5.4	4.0	6.0
C4-7	9.0	10.0	10.0	5.4	7.2	7.2

C6-3	6.0	6.0	6.0	5.4	6.0	6.0
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97-412 - Maximum floor area ratio in the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential# #floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential# #floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel#; or
- (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section [97-11](#) (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section [97-423](#) (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of Section [23-154](#) (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential# #floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots#, subject to the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section [23-154](#), the maximum #residential# #floor area# provision of the underlying district as specified in Section [23-153](#) (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section [97-422](#) (Floor area bonus for visual or performing arts uses). For #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant to the provisions of Article VI, Chapter 3.

97-413 - Maximum floor area ratio in Subdistrict A

LAST AMENDED
12/19/2017

In Subdistrict A, the maximum #residential# #floor area ratio# shall be 9.0 and the maximum #floor area ratio# for non-#residential uses# shall be 10.0. Such maximum non-#residential# #floor area# may only be increased pursuant to paragraph (c) of Section [97-422](#) (Floor area bonus for visual or performing arts uses).

97-42 - Additional Floor Area and Lot Coverage Regulations

LAST AMENDED
10/7/2021

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased pursuant to the #floor area# provisions of Section [97-421](#) (Inclusionary Housing) or paragraph (a) of Section [97-422](#) (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) or (c), as applicable, of Section [97-412](#) (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section [97-422](#).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). Bonuses pursuant to Sections [66-51](#), [97-421](#) and [97-422](#) may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

97-421 - Inclusionary Housing

LAST AMENDED
12/19/2017

In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, the #residential# #floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section [23-154](#) (Inclusionary Housing).

97-422 - Floor area bonus for visual or performing arts uses

LAST AMENDED
12/19/2017

- (a) In C4-4D, C4-7 or C6-3 Districts within the Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial# #uses# listed in Section [97-411](#) may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section [97-11](#) (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section [97-423](#) have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL AND COMMERCIAL USES WITH FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

	Within areas outside a subdistrict				Within the Core Subdistrict			
	#Residential# #Floor Area Ratio#		#Commercial# #Floor Area Ratio#		#Residential# #Floor Area Ratio#		#Commercial# #Floor Area Ratio#	
	Base	Maximum	Base	Maximum	Base	Maximum	Base	Maximum
C4-4D	5.4	7.2	4.0	5.4	5.4	7.2	4.0	5.40
C4-7	9.0	12.0	10.0	12.0	5.4	7.2	7.2	8.65
C6-3	6.0	8.0	6.0	8.0	5.4	7.2	6.0	8.00

- (b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section [97-412](#) (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section [97-11](#) (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section [97-423](#) have been met.
- (c) In C4-7 Districts within Subdistrict A, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in Section [97-413](#) (Maximum floor area ratio in Subdistrict A) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section [97-11](#) (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section [97-423](#) have been met.
-

97-423 - Certification for floor area bonus for visual or performing arts uses

LAST AMENDED
12/19/2017

The minimum non-#residential# #floor area# or equivalent floor space provisions of paragraph (a)(2) of Section [97-412](#) (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the #floor area# bonus provisions of Section [97-422](#) shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section [97-412](#), or all #floor area# that will result from the permitted increase in #floor area ratio# pursuant to Section [97-422](#), including the location of such #floor area#.
- (b) Drawings also have been provided that clearly designate all #floor area# or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of paragraph (a)(2) of Section [97-412](#), or for which a bonus is to be received pursuant to Section [97-422](#).

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and

shall also show that:

- (1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory# #uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;
- (2) all bonused #floor area# or below-grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided pursuant to paragraphs (a)(2) of Section [97-412](#) or (b)(2) of Section [97-422](#). However, all bonused #floor area# or below-grade floor space occupied by visual or performing arts #uses# within a #development# may be primarily accessed from Fifth Avenue, provided the following conditions are met:
 - (i) the #zoning lot# must have at least 150 feet of Fifth Avenue frontage where such primary entrance is provided; and
 - (ii) signage that identifies the visual or performing arts #uses# shall be provided at both the primary entrance on Fifth Avenue and on 125th Street;
- (3) in the case of primary rehearsal space, where such space does not consist of #accessory# #uses# subject to the requirements of paragraph (b)(4), such space:
 - (i) can be adapted for rehearsals or performances open to the public;
 - (ii) is located on the first #story# of the #building# or on any higher #story# with a ceiling height not greater than 60 feet above grade;
 - (iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section. In addition, where such primary rehearsal space is provided pursuant to paragraphs (a)(2) of Section [97-412](#) or (b)(2) of Section [97-422](#) such #street wall# with 50 feet of frontage need not be along 125th Street,
 - (iv) has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than 9 feet, 6 inches; and
 - (v) complies with the following glazing requirements, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section: at least 70 percent of the total surface area of the #street wall# abutting the primary rehearsal space, measured from finished floor to ceiling shall be glazed. Furthermore, at least 90 percent of such area shall be transparent from within one foot of the finished floor level to at least eight feet above such level. For primary rehearsal spaces located at the corner of 125th Street and an intersecting #street#, the glazing requirements of this Section shall be applied separately for each #street wall#, and up to 100 feet along such intersecting #street#;
- (4) for performance space which is exclusively designed and arranged for the presentation of live drama, music, dance and interactive or multidisciplinary performances open to the public, such space may be below grade provided it has a minimum area of 2,000 square feet of column-free space with a floor-to-ceiling height of not less than 16 feet;
- (5) #Accessory# space
 - (i) For primary rehearsal spaces, no more than 25 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses# #accessory# to such primary rehearsal spaces. #Accessory# #uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;
 - (ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory# #use# occupies more than 25 percent of such total minimum required #floor area# or equivalent below-grade floor space, or bonused #floor area# or below grade floor space. #Accessory# #uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and
- (6) Signage
 - (i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section [97-30](#), inclusive, except where such visual or performing arts facility is provided pursuant to paragraphs (a)(2) of Section [97-412](#) or (b)(2) of Section [97-422](#); and
 - (ii) For below grade performance space subject to the requirements of paragraph (b)(4) of this Section, such #sign#, not including any frame or surrounding element, shall be utilized for the additional purpose of informing the public regarding the program of scheduled performances in such facility, and shall be no less than two feet in width and four feet in height, and shall be installed a minimum of 2 feet, 6 inches above grade;
- (c) A letter from the Department of Cultural Affairs has been submitted to the Chairperson of the City Planning Commission, certifying that:
 - (1) a signed lease has been provided from the prospective operator of the visual or performing arts space, or a written commitment from the owner of such space in a form acceptable to the City, if such owner is also the operator, for occupancy of such space, and its operation as a visual or performing arts space for a period of not less than 15 years, with two five-year renewal options, pursuant to an operating plan and program therefor;
 - (2) the proposed operator of the visual or performing arts space is a non-profit organization;
 - (3) the proposed operator of the visual or performing arts space has the fiscal and managerial capacity to successfully operate such space;
 - (4) the proposed operator of the visual or performing arts space will have a program of regularly scheduled presentations or performances that are open to the public, provided that, in the case of a visual or performing arts space that is a primary rehearsal space, a program of regularly scheduled rehearsals or

performances open to the public shall be required only where the proposed operator is the principal user of the primary rehearsal space. In the event that the proposed operator is not the principal user of the primary rehearsal space and such space is made available to multiple organizations or individuals on an hourly, weekly, monthly or similar basis, the proposed operator shall allow open rehearsals or performances open to the public to be sponsored by such organizations or individuals, upon request;

- (5) preliminary design plans have been provided to the Department of Cultural Affairs for the visual or performing arts space, which shall include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems necessary to ensure that such visual or performing arts space will operate efficiently for its intended use;
 - (6) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and
 - (7) the proposed operator of the visual or performing arts space has a Community Engagement Plan that will effectively encourage public access and use of the visual or performing arts space, provide educational opportunities to the local community, and address new, undeveloped and/or underserved audience or participant groups. The Department of Cultural Affairs shall make its determination concerning the sufficiency of the Community Engagement Plan based upon consideration of the written recommendation of the Bonused Space Local Arts Advisory Council with respect thereto.
- (d) A legal commitment by the owner has been provided:
- (1) for the operator of the visual or performing arts space to submit an annual program report, describing the use of the space during the previous year, to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs, the Manhattan Borough President, the applicable Community Board and the local Council Member; and
 - (2) for inspection and ongoing maintenance of the visual or performing arts space to ensure its continued availability for #use# as a visual or performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report identifying the operator utilizing the space, describing the condition of the space and identifying any maintenance or repair work necessary to ensure the physical and operational soundness of such space, and establishing a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work, shall be submitted to the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs;
- (e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section [97-412](#), or for which a bonus has been received pursuant to Section [97-422](#), as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment# #use# shall be prohibited for the life of the #development# or #enlargement#.
- (1) notwithstanding the provisions of this paragraph (e), an owner shall not be in violation of such legal commitment during a grace period consisting of:
 - (i) six (6) months from the date the visual or performing arts space is vacated by the operator, provided owner timely notifies the Departments of City Planning and Cultural Affairs of such vacancy in accordance with the requirements of the legal commitment;
 - (ii) the period of review by the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs with respect to a new operator and any associated change of design or #use# requirements pursuant to this Section, provided that application for certification pursuant to this Section is made no later than the expiration of the six month period set forth in paragraph (e)(1)(i) of this Section;
 - (iii) any period set forth in such certification as necessary to allow for the modification of design to accommodate a new operator; and
 - (iv) any event of force majeure;
 - (2) in the event that the Chairperson of the City Planning Commission determines that the requirements for certification pursuant to this Section with respect to a change of operator and associated change of design or #use# requirements are not satisfied, the grace period set forth in paragraph (e)(1) of this Section shall thereupon apply from the date of such determination;
- (f) A legal commitment by the owner has been provided that all visual arts exhibitions or presentations of live drama, music, dance, interactive or multidisciplinary performances shall be open to the public in accordance with the terms of the letter issued by the Commissioner of Cultural Affairs, pursuant to paragraph (c) of this Section;
- (g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section [97-412](#), or for which a bonus has been received, pursuant to Section [97-422](#), as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section [97-422](#), as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

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

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section [97-412](#) or the increased #floor area#

permitted pursuant to Section [97-422](#), and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section [97-412](#) or the increased #floor area# permitted pursuant to Section [97-422](#) shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

In granting the original certification, the Chairperson of the City Planning Commission may specify such changes in design or #use# that would not warrant further certification pursuant to this Section.

97-424 - Special Lot Coverage Regulations

LAST AMENDED
12/19/2017

The maximum #lot coverage# for #residential use# in C6-3 Districts within the #Special 125th Street District# shall be 70 percent for #interior# or #through lots# and 100 percent for #corner lots#.

97-43 - Special Height and Setback Regulations

LAST AMENDED
12/19/2017

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-431 - Permitted obstructions

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LAST AMENDED
12/6/2023

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section [23-623](#) (Permitted obstructions in certain districts).

97-432 - Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict

LAST AMENDED
12/19/2017

(a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

- (1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.
- (2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- (3) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.

- (5) For any #development# or #enlargement# that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.
 - (6) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.
- (b) Maximum height of building and setback

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Core Subdistrict and areas outside of a subdistrict:

- (1) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	#Street Wall# Height (in feet)		Maximum Height of #Building or Other Structure# (in feet)
	Minimum Base Height	Maximum Base Height	
C4-7	60	85	195
C6-3	60	85	160

All portions of #buildings or other structures# that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of paragraph (a) of Section [97-432](#) (Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict).

- (2) Special regulations for certain C4-7 Districts
 - (i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.
 - (ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.
 - (iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.
- (3) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

97-433 - Height and setback regulations in the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

- (a) #Street wall# location

The applicable provisions of Section [35-651](#) shall be modified as follows:

- (1) Along 125th Street

The minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

- (2) Along Park Avenue and #narrow streets#

The provisions of paragraph (a) of Section [35-651](#) shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in Sections [35-652](#) (Maximum height of buildings and setback regulations) or [35-654](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section [97-20](#) (LOCATION AND ACCESS REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section [35-652](#).

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in paragraph (a) of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#) (Maximum height of buildings and setback regulations). Above such required setback, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential# #floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section [23-65](#) (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

97-434 - Height and setback regulations in Subdistrict A

LAST AMENDED
12/19/2017

Within Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, the underlying height and setback regulations for #Quality Housing buildings# shall apply, except that in C4-7 Districts, the minimum and maximum base heights and the overall maximum #building# height provisions of Section [35-65](#), inclusive, shall be modified in accordance with the following table: Maximum height of #buildings.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	#Street Wall# Height (in feet)		Maximum Height of #Building or Other Structure# (in feet)
	Minimum Base Height	Maximum Base Height	
C4-7	60	85	245

Above the maximum base height, a setback shall be provided in accordance with the provisions of paragraph (c) of Section [23-662](#).

97-44 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/19/2017

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that for any #zoning lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on such #zoning lot# without regard to the requirements of Section [77-22](#) (Floor Area Ratio), subject to the applicable height and setback regulations.

97-50 - SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
4/30/2008

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Off-street Loading Regulations) shall apply within the #Special 125th Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125th Street within the Special District may be modified, so that such facilities may be provided off-site, within a #Commercial District#, but at a distance no greater than 1,200 feet from the #zoning lot#.

97-51 - Accessory Off-street Parking Within the Core Subdistrict and Areas Outside of a Subdistrict

LAST AMENDED
11/30/2017

97-511 - Required accessory off-street residential parking

LAST AMENDED
11/30/2017

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section [97-50](#) (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

97-512 - Required accessory off-street commercial parking

LAST AMENDED
11/30/2017

In #Commercial Districts# within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section [36-21](#), as modified by the provisions of Section [97-50](#) (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial# #uses# in C4-4D Districts.

97-52 - Required Accessory Off-street Parking Within the Park Avenue Hub Subdistrict

LAST AMENDED
11/30/2017

In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.

97-53 - Location of Access to the Street

LAST AMENDED
4/30/2008

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125th Street or any other #wide street# that intersects with 125th Street, other than under the specific conditions of Sections [97-55](#) (Certification for Access to Required Uses) and [97-56](#) (Authorization for Access to Permitted Parking Facilities or Loading Berths).

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of [97-54](#) (Parking Access Through Zoning Lots in Residence Districts).

97-54 - Parking Access Through Zoning Lots in Residence Districts

LAST AMENDED
2/2/2011

For a #zoning lot# within a #Residence District#, which #zoning lot# fronts upon either 124th or 126th Street and the #rear lot line# #abuts# a #zoning lot# that fronts only on 125th Street, and such #zoning lot# has been vacant since April 30, 2008, access for parking and loading purposes may be provided through such #zoning lot#.

97-55 - Certification for Access to Required Uses

LAST AMENDED
12/19/2017

If access to a required #accessory# #residential# parking facility or loading berth is not possible because of the requirements of Section [97-53](#) (Location of Access to the Street), or, for #developments# in Subarea A, the requirements of Section [36-683](#) (Restrictions on location of berths near Residence Districts), a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

- (a) the only possible location for the facility or loading berth;
- (b) not hazardous to traffic safety;
- (c) located not less than 50 feet from the intersection of any two #street lines#; and
- (d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

97-56 - Authorization for Access to Permitted Parking Facilities or Loading Berths

LAST AMENDED
4/30/2008

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

- (a) If access to a permitted #accessory# #residential# or public parking facility is not possible due to the requirements of Section [97-53](#), the Commission may authorize curb cuts for such #uses#, provided such curb cuts:
 - (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
 - (2) will not interfere with the efficient functioning of public transit facilities.
- (b) If access to a permitted loading berth is not possible due to the requirements of Section [97-53](#), the Commission may authorize curb cuts for such #use#, provided:
 - (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
 - (2) such maneuvering area is at least equal in size to the area of the loading berth; and
 - (3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commission may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

97-57 - Public Parking Facilities

LAST AMENDED
4/30/2008

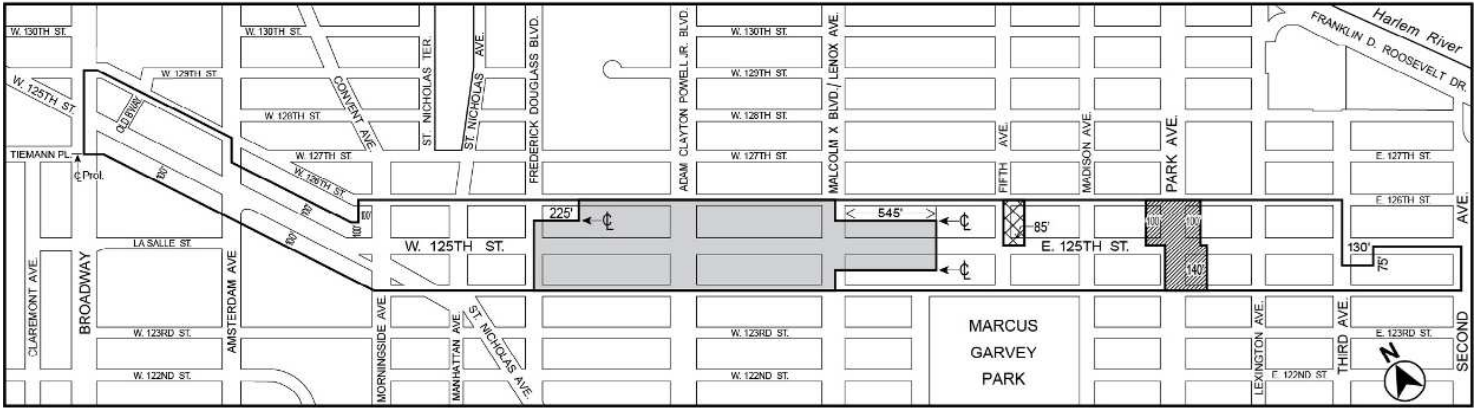
Notwithstanding the special permit regulations of Section [74-52](#) (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section [36-50](#), inclusive, pertaining to surfacing and screening, and Section [97-53](#) (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections [74-512](#) and [74-52](#).





#Public parking lots# are not permitted on zoning lots with 125th Street frontage within the Special District.

Appendix A - Special 125th Street District Plan

LAST AMENDED
12/19/2017

Map 1: Special 125th Street District and Subdistricts (97A.1)



-  Special 125th Street District boundary
-  Core Subdistrict
-  Park Avenue Hub Subdistrict
-  Subdistrict A



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 8 - Special West Chelsea District (WCh)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 8 - Special West Chelsea District (WCh)

98-00 - GENERAL PURPOSES

LAST AMENDED

8/24/2017

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

- (a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;
- (b) to encourage the development of residential uses along appropriate avenues and streets;
- (c) to encourage and support the growth of arts-related uses in West Chelsea;
- (d) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations, High Line improvement bonuses and the transfer of development rights from the High Line Transfer Corridor;
- (e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and the High Line open space;
- (f) to create and provide a transition to the lower-scale Chelsea Historic District to the east;
- (g) to create and provide a transition to the Hudson Yards area to the north; and
- (h) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

98-01 - Definitions

LAST AMENDED

6/23/2005

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section [12-10](#) (DEFINITIONS).

High Line

The "High Line" shall, for the purposes of this Chapter, refer to the elevated rail line structure and associated elevated easement located between Gansevoort Street and West 30th Street.

High Line bed

The "High Line bed" is the highest level of the horizontal surface (platform) of the #High Line# elevated rail line structure as of June 23, 2005, as shown in Diagram 7 in Appendix C of this Chapter. For the purposes of this Chapter, the level of the #High Line bed# is the average level of the #High Line bed# on a #zoning lot# over which the #High Line# passes.

High Line frontage

"High Line frontage" is that portion of a #building# that faces and is located within 15 feet of the west side and 25 feet of the east side of

the #High Line#.

High Line Transfer Corridor

The “High Line Transfer Corridor” is an area within which the #High Line# is located, as specified in Appendix B of this Chapter, where development rights may be transferred to receiving sites in certain subareas in the #Special West Chelsea District#, pursuant to the provisions of Section [98-30](#) (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-02 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections [98-11](#) (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and [98-16](#) (Air Space Over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

The provisions regarding the transfer of #floor area# set forth in Section [98-30](#) (HIGH LINE TRANSFER CORRIDOR), inclusive, and the #High Line Improvement Bonus# in Subareas D, E, F, G and I set forth in Section [98-25](#) shall be effective upon the issuance of a final and binding Certificate of Interim Trail Use (CITU) by the Federal Surface Transportation Board and the execution of a trail use agreement between the City and CSX Transportation, Inc., or its successor, with respect to the #High Line#, or upon a determination by the Office of the Corporation Counsel that the restoration and reuse of the #High Line# as an accessible, public open space has been obtained pursuant to an alternative mechanism that protects the interests of the city.

Upon transfer of the #High Line# to the City, pursuant to ULURP application C 050163 PCM, and in accordance with such CITU and trail use agreement, the following shall apply:

- (a) the provisions regarding the issuance of building permits set forth in Section [98-11](#) shall be effective;
- (b) any area within the tax lot located at Section 3, Block 8224, Lot 111, as of June 23, 2005, which is separated from other portions of such tax lot by bounding streets, shall be considered a separate #zoning lot#; and
- (c) underlying #use# and bulk regulations shall not apply to #uses# and #buildings and other structures# constructed on the #High Line# specifically in connection with its use as a public open space.

98-03 - District Plan and Maps

LAST AMENDED
11/13/2012

The regulations of this Chapter are designed to implement the #Special West Chelsea District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendices A, B and C and the special regulations in Appendices D, E and F:

Appendix A - Special West Chelsea District and Subareas

Appendix B - High Line Transfer Corridor Location

Appendix C - Illustrative Diagrams of the High Line and Building Envelopes for Sites Adjacent to the High Line

Diagram 1 - Street Wall and High Line Frontage Regulations in Subareas C, F and G

Diagram 2 - Street Wall and High Line Frontage Regulations in Subarea A

Diagram 3 - Subarea H Requirements

Diagram 4 - High Line Improvement Area Boundaries for Zoning Lots Divided by District Boundaries in Subareas D, E and G

Diagram 5 - Subarea I Requirements between West 16th and West 17th Streets

Diagram 6 - High Line Access Easement Volume Parameters

Diagram 7 - High Line Bed and Frontages

Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

Appendix E - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Within Subarea J.

The maps and diagrams are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

98-04 - Subareas and High Line Transfer Corridor

LAST AMENDED
11/13/2012

In order to carry out the provisions of this Chapter, Subareas A through K and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply that do not apply within the remainder of the #Special West Chelsea District#. The locations of the Subareas are shown in Appendix A of this Chapter. The location of the #High Line Transfer Corridor# is shown in Appendix B of this Chapter.

The Subareas and the #High Line Transfer Corridor# are subject to all other regulations of the #Special West Chelsea District# and the underlying district regulations, except as otherwise specified in this Chapter.

98-05 - Applicability of District Regulations

LAST AMENDED
6/23/2005

98-051 - Applicability of Article I, Chapter 1

LAST AMENDED
3/28/2012

Within the #Special West Chelsea District#, Section [11-332](#) (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on June 23, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than

June 23, 2006.

98-10 - SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

LAST AMENDED
3/22/2006

98-11 - Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line

LAST AMENDED
6/23/2005

The Commissioner of Buildings shall not issue any building permit for demolition, excavation or foundation work to be performed above or beneath the #High Line# or within 25 feet of support structures of the #High Line#, except by determination by such Commissioner that such work would not adversely affect the structural integrity of the #High Line# and by determination by the Commissioner of Parks that such work would not adversely affect the City's ability to inspect and maintain as necessary to ensure the structural integrity of the #High Line#.

98-12 - Modification of Use Regulations

LAST AMENDED
6/23/2005

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

98-121 - In Subarea H

LAST AMENDED
6/23/2005

In Subarea H, the provisions of Section [32-25](#) (Use Group 16), paragraph D (Heavy Service, Wholesale or Storage Establishments) are modified to permit, in C6 Districts, warehouse #uses# only in #cellars# located wholly below #curb level#.

98-122 - In Subarea K

LAST AMENDED
2/2/2011

In Subarea K, the provisions of Section [42-10](#) (USES PERMITTED AS-OF-RIGHT), inclusive, shall be modified as follows:

- (a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:
- (1) from Use Groups 3 and 4, all #uses#, not otherwise permitted by the underlying regulations, other than those with sleeping accommodations;
 - (2) from Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores, larger than 10,000 square feet;
 - (3) from Use Groups 6C, 9A, and 12B, all #uses# not otherwise permitted by the underlying regulations; or
 - (4) from Use Group 10A, all #uses#, not otherwise permitted by the underlying regulations, provided that the floor space allocated to such #uses# does not exceed 10 percent of the total #floor area# of the #building#.
-

98-123 - Adult establishments

LAST AMENDED
6/23/2005

The provisions of Section [52-77](#) (Termination of Adult Establishments) shall not apply to any #adult establishment# that located within the #Special West Chelsea District# after October 25, 1995 and prior to May 25, 2005, and which, as of May 25, 2005 and June 22, 2005, was an existing #use# and conformed to all provisions of Section [42-01](#) (Special Provisions for Adult Establishments) applicable to M1-5 Districts.

98-124 - Location within buildings

LAST AMENDED 12/9/2021

In any C6 District in the #Special West Chelsea District#, the provisions of Section [32-422](#) (Location of floors occupied by commercial uses) are modified to permit #commercial# #uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial# #uses#:

- (a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 - (1) #residential# lobby space below or on the same #story# as #commercial# #uses#; or
 - (2) a #commercial# #use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

98-13 - Modification of Use Regulations in M1 Districts

LAST AMENDED
6/23/2005

In the #Special West Chelsea District#, the provisions of Sections [42-10](#) (USES PERMITTED AS-OF-RIGHT) and [42-30](#) (USES PERMITTED BY SPECIAL PERMIT) are modified to permit, as-of-right, without limitation, in M1 Districts, museums and non-commercial art galleries as listed in Use Group 3.

98-14 - Ground Floor Use and Transparency Requirements on Tenth Avenue

LAST AMENDED
11/13/2012

Except in Subarea J, the special ground floor #use# and glazing regulations of this Section apply to that portion of a #building or other structure# fronting on Tenth Avenue in the #Special West Chelsea District#. Ground floor #uses# in Subarea J shall be governed by the underlying #use# regulations as modified by Section [98-13](#) (Modification of Use Regulations in M1 Districts).

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 25 feet of the #street line#, shall be limited to #commercial# #uses# permitted by the underlying district or museums or non-commercial art galleries as listed in Use Group 3. A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 50 percent of the #building's# total #street# frontage, whichever is less.

For any #building# or portion of a #building# #developed# or #enlarged# after June 23, 2005, each ground floor #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of such ground floor #street wall# surface. The lowest point at any point of transparency that is provided to satisfy the

requirements of this Section shall be not higher than two feet above the level of the adjoining sidewalk or public access area and shall be no less than eight feet in height measured from such lowest point. Not less than 50 percent of such ground floor #street wall# surface shall be glazed with transparent materials, and up to 20 percent of such ground floor #street wall# may be glazed with translucent materials.

98-141 - Transparency requirements within Subareas H and I

LAST AMENDED
2/2/2011

The transparency requirements of this Section shall apply to all portions of #buildings# #developed# or #enlarged# after June 23, 2005, within the #High Line frontage# of Subareas H and I, except for such portions that contain #dwelling units#. At least 70 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-142 - High Line level wall requirements within Subarea J

LAST AMENDED
11/13/2012

Any additions to the windows or other glazing located on the #building# wall separating the #High Line# from any #building# located on a #zoning lot# within Subarea J at the #High Line# level shall be designed to provide for a minimum of 30 dBA noise attenuation, and any general illumination fixtures in the adjoining interior portion of the #building# shall not exceed 50 foot-candles of illumination within four feet of such window or glazing and shall not be pointed directly at the #High Line#.

98-15 - Signs

LAST AMENDED
2/2/2011

The #sign# regulations of the underlying districts in the #Special West Chelsea District# shall not apply to #signs# located within 50 feet of the #High Line#, except for #signs# located entirely below the level of the #High Line bed#. In lieu thereof, the #sign# regulations of a C1 District shall apply, except that #accessory# #signs# located within the #High Line frontage# may have a maximum height of 20 feet above the level of the #High Line bed#.

No #signs# affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

- (a) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;
- (b) provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;
- (c) be integrated with the design of the #High Line# open space; and
- (d) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood.

98-151 - Modification of sign regulations in Subarea K

LAST AMENDED 12/9/2021

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section [42-562](#) (Restriction on angle and height above curb level) shall not apply.

98-16 - Air Space Over a Railroad or Transit Right-of-way or Yard

LAST AMENDED
2/2/2011

For the purposes of this Resolution, the #High Line# shall not be considered a railroad or transit right-of-way and the provisions of Sections [32-44](#) (Air Space Over a Railroad or Transit Right-of-way or Yard) and [42-462](#) (Use of railroad or transit air space) shall not apply.

98-17 - Modification of Parking and Loading Regulations

LAST AMENDED
6/23/2005

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

98-171 - Parking regulations in Subarea H

LAST AMENDED 12/9/2021

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
- (c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

98-172 - Waiver of accessory off-street loading berths in Subarea K

LAST AMENDED 12/9/2021

In Subarea K, the provisions of Section [44-52](#) (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

98-19 - Lighting

LAST AMENDED
6/23/2005

All exterior light sources located within the #High Line frontage# shall be shielded from direct view from the #High Line#.

98-20 - FLOOR AREA AND LOT COVERAGE REGULATIONS

LAST AMENDED
6/23/2005

The #floor area# provisions of this Section, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section [98-30](#) (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-21 - Maximum Floor Area Ratio Outside of Subareas

LAST AMENDED
11/13/2012

For all #zoning lots#, or portions thereof, located outside of Subareas A through J, the maximum #floor area ratios# of the applicable underlying district shall apply.

98-22 - Maximum Floor Area Ratio and Lot Coverage in Subareas

LAST AMENDED
4/25/2017

For all #zoning lots#, or portions thereof, located in Subareas A through K, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential# #floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section [98-26](#) (Modifications of Inclusionary Housing Program).

MAXIMUM FLOOR AREA RATIO BY SUBAREA

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred ¹ (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	___ ²	2.65	2.85	12.0
B	5.0	2.5	___ ²	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D ⁵	5.0	2.5 ³	2.5 ³	1.25	1.25	7.5
E	5.0	1.0 ³	1.0 ^{2,3}	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 ³	1.0 ³	NA	NA	6.0

H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I ⁴	5.0	NA	2.5	NA	NA	7.5
J ⁶	5.0	NA	2.5	NA	NA	7.5
K	5.0	NA	NA	NA	NA	5.0

- ¹ Minimum #floor area ratios# required to be transferred pursuant to Section [98-30](#) (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized
- ² In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section [98-35](#) (High Line Transfer Corridor Bonus)
- ³ For certain zoning lots located in Subareas D, E and G, the provisions of Section [98-25](#) (High Line Improvement Bonus) may apply in lieu of the provisions of Section [98-30](#), subject to the provisions of Section [98-241](#) (In Subareas D, E and G)
- ⁴ For #zoning lots# over which the #High Line# passes
- ⁵ For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted
- ⁶ Bonus contribution subject to provisions of Section [98-25](#) governing first contribution to Affordable Housing Fund

98-221 - Additional regulations for Subdistrict A

LAST AMENDED
5/29/2019

In Subdistrict A, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section [98-423](#) (Street wall location, minimum and maximum base heights and maximum building heights), the provisions of paragraph (a)(2) of Section [23-16](#) (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

98-23 - Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

LAST AMENDED
11/13/2012

That portion of the #zoning lot# that lies directly beneath the #High Line# shall be exempt from #lot coverage# requirements below the

level of the #High Line bed#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section [98-60](#) (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area ratio# of a #zoning lot# pursuant to Section [98-25](#) (High Line Improvement Bonus), shall not be considered #floor area# or #lot coverage#.

However, at or above the level of the #High Line bed#, #lot coverage# requirements shall apply to the entire #zoning lot#.

Within Subarea J, any easement volumes and improvements located within such volumes dedicated or granted to the City in accordance with the provisions of Appendix F of this Chapter in connection with an increase in the basic maximum #floor area ratio# of a #zoning lot#, pursuant to Section [98-25](#), shall not be considered #floor area#.

98-24 - Special Floor Area Rules for Zoning Lots Divided by District Boundaries

LAST AMENDED
4/25/2017

98-241 - In Subareas D, E and G

LAST AMENDED
4/25/2017

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Sections [98-25](#) (High Line Improvement Bonus) or [98-30](#) (HIGH LINE TRANSFER CORRIDOR) may apply to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section [98-22](#) shall apply, as applicable, for each subarea.

98-242 - Located partially within Subarea C and partially within M1-5 Districts

LAST AMENDED
3/16/2023

For #zoning lots# located partially within an M1-5 District and partially within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 District portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 District portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the #High Line# Improvement Fund, established under Section [98-25](#), to be used at the discretion of the Chairperson to assure that the #High Line# is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section [98-35](#) (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

98-243 - Located partially within Subarea D and partially within C6-3A Districts

LAST AMENDED
4/25/2017

For a #zoning lot# fronting on West 23rd Street and Eleventh Avenue, located partially within Subarea D and partially within a C6-3A District, #floor area# may be transferred from the portion of the #zoning lot# in the C6-3A District to the portion in Subarea D.

98-25 - High Line Improvement Bonus

For #zoning lots# located between West 15th and West 19th Streets over which the #High Line# passes, the applicable basic maximum #floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section [98-22](#) (Maximum Floor Area Ratio and Lot Coverage in Subareas), provided that:

- (a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section [98-22](#), or within Subarea J would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that:
- (1) a contribution has been deposited into an escrow account or similar fund established by the City (the #High Line# Improvement Fund), or such contribution is secured by a letter of credit or other cash equivalent instrument in a form acceptable to the City. For subareas other than Subarea J, such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. For #developments# or #enlargements# within Subarea J, such contribution shall be used for any use with respect to the improvement, maintenance and operation of the #High Line# or the #High Line# Support Easement Volumes provided for under Appendix F of this Chapter, at the Chairperson's direction, provided that, in lieu of a deposit to the #High Line# Improvement Fund, the contribution for the first 80,000 square feet of #floor area# shall be deposited to the Affordable Housing Fund established under Section [98-262](#) (Floor area increase), paragraph (c), for use in accordance with the provisions of that Section. Such contribution shall be made in accordance with the provisions of Appendix D, E or F of this Chapter, as applicable;
 - (2) a declaration of restrictions executed by all "parties in interest" to the #zoning lot#, as defined in paragraph (f)(4) of the definition of #zoning lot# in Section [12-10](#) (DEFINITIONS), including and incorporating such other instruments as are necessary to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, is filed and recorded in the Office of the Register of the City of New York; and
 - (3) all additional requirements of Appendix D, E or F, as applicable with respect to issuance of a building permit, have been met. For #zoning lots# located between West 18th and West 19th Streets over which the #High Line# passes, in the event that a certification is initially made by the Chairperson on the basis that the requirements of paragraph (a)(1) of Appendix E with respect to Stairway and Elevator Access Work have been met, and the Commissioner of Parks and Recreation later elects to require #High Line# Service Facility Work in accordance with the provisions of paragraph (b)(4) of Appendix E, such initial certification shall no longer be effective. In lieu thereof, a certification by the Chairperson that the requirements of paragraph (a)(1) of Appendix E with respect to #High Line# Service Facility Work have been met shall be required. Notwithstanding the foregoing, the Department of Buildings may continue to issue a building permit pursuant to the initial certification made for Stairway and Elevator Access Work, all building permits issued pursuant to the initial certification made for Stairway and Elevator Access Work shall remain in effect, and construction may continue pursuant to such permits, provided that the provisions of paragraph (c)(4)(ii) of this Section shall apply with respect to the issuance of any temporary or permanent certificates of occupancy for the #development# or #enlargement# authorized by such permits under the provisions of paragraph (c)(4).
- (b) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 17th and West 18th Streets over which the #High Line# passes that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section [9822](#), the Department of Buildings shall be furnished a certification by the Chairperson of the City Planning Commission that:

- (1) if required pursuant to agreement with the City under Appendix D, #High Line# improvements within the #High Line# improvement area, as shown in Appendix C of this Chapter, for such #zoning lot#, have been performed in accordance with such agreement;
- (2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix D;
- (3) At-Grade Plaza Work has been performed on such #zoning lot# in the area shown in Diagram 3 of Appendix C of this Chapter, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work, in accordance with Appendix D;
- (4) Stairway and Elevator Access Work has been performed on such #zoning lot# in the At-Grade Plaza area shown in Diagram 3 of Appendix C, or that an additional contribution to the #High Line# Improvement Fund to fund performance of such work has been made, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the Stairway and Elevator Access Work in the At-Grade Plaza, in accordance with Appendix D; and
- (5) all other applicable requirements of Appendix D have been met.

For temporary certificates of occupancy, certification with respect to performance of work required of owner shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work required of owner shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph (b), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix D. In the event that the owner has executed agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and for some or all of the Stairway and Elevator Access Work, in accordance with Appendix D, certificates of occupancy shall be issued if owner has substantially or finally completed any aspects of the work required of owner pursuant to such agreements and other instruments, as the case may be, and is otherwise in full compliance with such agreements and instruments, including with respect to payment of all funds required pursuant to the terms thereof and Appendix D.

- (c) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 16th and 17th Streets or between West 18th and 19th Streets over which the #High Line# passes that incorporates #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 9822, the Department of Buildings shall be furnished a certification by the Chairperson, that:
 - (1) if required pursuant to agreement with the City under Appendix E, #High Line# improvements within the #High Line# improvement area, as shown in Appendix C of this Chapter, for such #zoning lot#, have been performed in accordance with such agreement;
 - (2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix E;

(3) for #zoning lots# located between West 16th and 17th Streets over which the #High Line# passes:

(i) Stairway and Elevator Access Work; and

(ii) #High Line# Service Facility Work applicable to such #zoning lot# has been performed on such #zoning lot#, in accordance with Appendix E;

(4) for #zoning lots# located between West 18th and 19th Streets over which the #High Line# passes, either:

(i) Stairway and Elevator Access Work; or

(ii) if elected by the Commissioner of Parks and Recreation, #High Line# Service Facility Work applicable to such #zoning lot#, has been performed on such #zoning lot#, in accordance with Appendix E; and

(5) all other applicable requirements of Appendix E have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph (c), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section [98-22](#), and the City may perform all such work in accordance with the provisions of Appendix E.

(d) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located within Subarea J over which the #High Line# passes that incorporates #floor area# that would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, the Department of Buildings shall be furnished a certification by the Chairperson, that:

(1) #High Line# Support Work has been performed on such #zoning lot#, in accordance with and to the extent required by Appendix F; and

(2) all other applicable requirements of Appendix F have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be final completion of the work, as determined by the Chairperson.

98-26 - Modifications of Inclusionary Housing Program

LAST AMENDED

7/29/2009

Within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section [12-10](#) (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

98-261 - Definitions

LAST AMENDED

7/29/2009

For the purposes of this Chapter, matter in italics is defined in Sections [12-10](#) or in Section [23-90](#) (INCLUSIONARY HOUSING), inclusive.

98-262 - Floor area increase

LAST AMENDED

2/2/2011

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section [98-22](#) (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for #conversions# of non-#residential# #floor area# to #dwelling units# where the total #residential# #floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section [98-22](#), such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing Program as modified in Section [98-26](#), inclusive, to the maximum amount specified in the table in Section [98-22](#), provided that:

(a) In C6-4 Districts:

- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#;
- (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential# #floor area# on the #zoning lot#; or
- (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#.

(b) In C6-3 Districts:

- (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#;
- (2) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential# #floor area# on the #zoning lot#; or
- (3) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#.

For the purposes of this Section, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section [98-30](#), no transfer of #floor area# pursuant to Section [98-30](#) shall be required, and the basic maximum #floor area ratio# of a #zoning lot# containing the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

(c) #Affordable Housing Fund#

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section [98-30](#) have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section [98-33](#) (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section [98-30](#), provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the development, acquisition or rehabilitation of #low#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

98-30 - HIGH LINE TRANSFER CORRIDOR

LAST AMENDED
6/23/2005

98-31 - Purposes

LAST AMENDED
6/23/2005

The #High Line Transfer Corridor#, established within the #Special West Chelsea District#, is intended to enable the transfer of development rights from properties over which and immediately to the west of where the #High Line# passes and thereby permit light and air to penetrate to the #High Line# and preserve and create view corridors from the #High Line bed#.

98-32 - General Provisions

LAST AMENDED
6/23/2005

The location of the #High Line Transfer Corridor# is specified in Appendix B of this Chapter.

In the #High Line Transfer Corridor#, special regulations relating to the transfer of #floor area# are set forth in Sections [98-33](#) through [98-35](#), inclusive.

98-33 - Transfer of Development Rights From the High Line Transfer Corridor

LAST AMENDED
6/10/2015

In the #Special West Chelsea District#, a “granting site” shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A “receiving site” shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F, H and J. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

(a) Notification

Prior to any transfer of #floor area#, the Department of City Planning shall be notified in writing of such intent to transfer #floor area#. Such notification shall be made jointly by the owners of the granting and receiving sites and shall include:

- (1) #floor area# zoning calculations for the granting and receiving site;
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution; and
- (3) if applicable, a certified copy of the instrument creating a secondary #High Line# access easement volume, pursuant to the provisions of Section [98-63](#).

Notices of restrictions in a form acceptable to the Department of City Planning shall be filed by the owners of the granting and receiving sites in the Office of the Register of the City of New York, indexed against the granting and receiving sites, certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit for any #development# or #enlargement# on the receiving site.

(b) #Floor area#

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a #commercial# or #residential use# on such granting site as of June 10, 2015, whichever is greater, less any existing #floor area# to remain on such granting site.

The maximum amount of #floor area# transferred from a granting site located in a subarea shall not exceed the basic maximum #floor area ratio# specified for the applicable subarea in the table in Section [98-22](#) (Maximum Floor Area Ratio and Lot Area in Subareas), less any existing #floor area# to remain on such granting site.

Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred.

The amount of #floor area# transferred to a receiving site from a granting site in the #High Line Transfer Corridor# shall not exceed the #floor area ratio# permitted on the receiving site through such transfer, pursuant to the table in Section [98-22](#).

(c) #Use#

#Floor area# transferred from a granting site within the #High Line Transfer Corridor# may be used for any #use# allowed on the receiving site in accordance with the underlying zoning designation and the provisions of this Chapter.

(d) Stairway easement requirement

As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Sections [98-60](#) (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS) and [98-63](#) (Recording of High Line Access Easement Volume).

(e) Restrictive declaration

As a condition for the transfer of #floor area#, and in order to assure that the City’s interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, a declaration of restrictions, executed by all “parties in interest” of the granting lot as defined in paragraph (f)(4) of the definition of #zoning lot# under Section [12-10](#) (DEFINITIONS), and including and incorporating such other instruments as are necessary to accomplish such purposes, as determined by the

Department of City Planning in consultation with the Office of the Corporation Counsel, shall be filed and recorded in the Office of the Register of the City of New York. Notice by the Department of City Planning of receipt of certified copies of such recorded declaration shall be a precondition to issuance by the Commissioner of Buildings of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site. Such recorded declaration shall be in addition to the Notice of Restrictions required pursuant to paragraph (a) of this Section.

98-34 - Screening and Landscaping Requirements for Vacant Sites

LAST AMENDED
6/23/2005

Any #zoning lot# within the #High Line Transfer Corridor# that has transferred #floor area# pursuant to Section [98-33](#) (Transfer of Development Rights From the High Line Transfer Corridor), and is 50 percent or more vacant shall be screened from the #street# and/or landscaped in accordance with the provisions of this Section, except that #zoning lots# occupied by #buildings# that extend along at least 85 percent of the #street# frontage of the #zoning lot# and are located within five feet of the #street line# are not required to provide screening or landscaping.

Such open or vacant areas on #zoning lots# shall be screened from the #street# by a fence or gate with a surface that is at least 75 percent open, extending not less than six feet and not higher than eight feet above finished grade; or alternatively, by a planting strip at least four feet wide and densely planted with evergreen shrubs at least four feet high at the time of planting or of a variety expected to reach a height of six feet within three years, or by both. Chain link and fences containing barbed wire or razor wire shall be prohibited. For portions of #zoning lots# located beneath the #High Line#, planting strips shall be prohibited.

98-35 - High Line Transfer Corridor

LAST AMENDED
2/2/2011

For #zoning lots#, or portions thereof, within the #High Line Transfer Corridor#, the applicable basic maximum #floor area ratio# of that portion of a #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, for an amount of #floor area# equivalent to the area of that portion of the #zoning lot# located within the #High Line Transfer Corridor#, provided the Chairperson of the City Planning Commission has certified that:

- (a) all the permitted #floor area# on that portion of the #zoning lot# that is within the #High Line Transfer Corridor# has been transferred to an eligible receiving site, in accordance with the provisions of Section [98-33](#);
- (b) that such granting site is vacant; and
- (c) a contribution has been deposited into the #High Line# Improvement Fund established under Section [98-25](#), to be used at the direction of the Chairperson to assure that the #High Line# is restored and reused as a publicly accessible open space.

No building permit for any #development# or #enlargement# that anticipates using such increased #floor area# may be issued unless and until such certification has been made.

Such contribution amount shall be \$50.00 per square foot of #floor area# as of June 23, 2005, and shall be adjusted August 1 of each subsequent year, by the City or its designee, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

Such bonus #floor area# shall only be used for a permitted #commercial# #use#, which shall be located in that portion of the #zoning lot# that is within the #High Line Transfer Corridor#; however, #public parking lots# and #public parking garages# at or above #curb level# shall not be permitted; and the height of any #development# or #enlargement# within the #High Line Transfer Corridor# shall not exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

98-40 - SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS

REGULATIONS

LAST AMENDED
6/23/2005

98-41 - Special Rear Yard Regulations

LAST AMENDED
6/23/2005

The #yard# regulations of the underlying district shall apply, except as modified in this Section. In all districts, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of the #street#. Where a #rear yard equivalent# is required by either Section [23-532](#) (Required rear yard equivalents) or Section [43-28](#) (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (a) of either Section, as applicable. However, in M1-5 Districts, a #building# existing prior to January 22, 2015, may be #enlarged# pursuant to Section [43-28](#), paragraph (b), provided that such #building# is on a #zoning lot# located entirely within 150 feet of the west side of the #High Line#. Where a #rear yard equivalent# is required by Section [23-533](#) (Required rear yard equivalents for Quality Housing buildings), the alternatives for #through lots# with a depth of 180 feet or less shall not apply.

98-42 - Special Height and Setback Regulations

LAST AMENDED
6/23/2005

The height and setback regulations of the underlying district shall not apply, except as set forth in this Section, inclusive. Furthermore, for any #zoning lot# located adjacent to the #High Line#, the provisions of Section [98-50](#), inclusive, shall also apply. All heights shall be measured from the #base plane#, unless otherwise specified.

98-421 - Obstruction over the High Line

LAST AMENDED
11/13/2012

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space, and except where the #High Line# passes through and is covered by a #building# existing on November 13, 2012.

98-422 - Special rooftop regulations

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LAST AMENDED
12/6/2023

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section [23-623](#) (Permitted obstructions in certain districts). However, dormers may not exceed the maximum #building# height in Subareas C, F and G where the maximum base height and maximum #building# height are the same.

All mechanical equipment located within 15 feet of the level of the #High Line bed# that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

98-423 - Street wall location, minimum and maximum base heights and maximum building heights

LAST AMENDED
3/16/2023

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (h) of this Section.

(a) For all #buildings#

(1) #Street wall# location provisions

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section. On #narrow street# frontages, beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

The #street wall# location provisions of this Section shall not apply along that portion of any #street# frontage:

- (i) over which the #High Line# passes;
- (ii) occupied by existing #buildings# to remain, unless such #buildings# are vertically #enlarged#; or
- (iii) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

(2) Maximum #building# heights

(i) For C6-2A and C6-3A Districts

In C6-2A and C6-3A Districts, the maximum base height, maximum #building# height and the maximum number of #stories# shall be as set forth in Section [23-662](#) (Maximum height of buildings and setback regulations)

for the residential equivalent of an R8A and R9A District, respectively. For #buildings# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section [23-664](#) for such districts' applicable residential equivalent. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

(ii) For all other districts

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in the table in this Section shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of permitted recesses in the #street wall#.

No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section.

(b) Subareas A and D

(1) #Street wall# location

In Subarea D, on #corner lots# between the north side of West 18th Street and the south side of West 22nd Street, a #street wall# with a minimum height of 15 feet shall be located on the #narrow# #street line# between 50 and 150 feet of its intersection with Eleventh Avenue.

In Subarea D, for #buildings# that do not include towers as set forth in paragraph (b)(3) of this Section, the #street wall# location provisions set forth in paragraph (a) shall not apply to any #zoning lot# that occupies the entire Eleventh Avenue #block# front. In lieu thereof, #street walls# with a minimum base height of 60 feet shall be located within 10 feet of all #street lines# bounding such #zoning lot# and extend along at least 70 percent of each #street# frontage of the #zoning lot#.

(2) Setback provisions

The setback provisions for portions of #buildings# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a #building or other structure# that exceeds the applicable maximum base height shall penetrate a #sky exposure plane# that begins above the #street line# at the maximum base height and rises over the #zoning lot# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance on a #narrow street#, and 5.6 feet of vertical distance to one foot of horizontal distance on a #wide street#.

(3) Tower provisions

Any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of the #zoning lot# and penetrates the #sky exposure planes# set forth in paragraph (b)(2) of this Section, is hereinafter referred to as a "tower." Such towers are permitted provided they are set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#, and provided no other portion of the #building# exceeds the applicable maximum base height. In addition, the following rules shall apply:

- (i) For #zoning lots# with less than 20,000 square feet of #lot area#, such tower may occupy more than 40 percent of the #lot area# of the #zoning lot# in accordance with the provisions of Section [33-454](#) (Towers on small lots).

- (ii) Any #story# within the highest 40 feet of such tower (the “penthouse portion”), shall not exceed 85 percent of the gross area of the highest #story# directly below such penthouse portion.
- (iii) In Subarea A, such tower shall occupy at least 30 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum #lot area# requirement shall apply to the highest four #stories# or 40 feet of such #building#, whichever is less.
- (iv) In Subarea A, the maximum length of any #story# located above a height of 220 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 220 feet. Any side of such rectangle shall not exceed 150 feet.
- (v) In Subarea A, for any #zoning lot# with more than 75 feet of #narrow street# frontage in which a #side lot line# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a #building# shall be located closer than 25 feet to such #side lot lines#.
- (vi) In Subarea D, the maximum #building# height shall be 250 feet, and the maximum length of any #story# located above the maximum base height shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for #zoning lots# that occupy the entire Eleventh Avenue #block# front, a portion of the #street wall# may rise above the maximum base height without setback from Eleventh Avenue, provided the #aggregate width of the street wall# for Eleventh Avenue does not exceed 100 feet.

(c) Subareas C, F and G

In Subareas C, F and G, for #zoning lots# with #wide# and #narrow street# frontage, no #street wall# is required beyond 50 feet of a #wide street#. Furthermore, for any #development# or #enlargement# that occupies at least one corner of the Tenth Avenue #block# front and extends along the Tenth Avenue frontage of the #zoning lot# for at least 170 feet, exclusive of existing #buildings# to remain, a lowered #street wall# shall be provided for any #building# that exceeds 45 feet in height. Such lowered #street wall# shall have a maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the #aggregate width of street walls# facing Tenth Avenue. Such lowered #street wall# portion of the Tenth Avenue frontage shall be located at the intersection of Tenth Avenue and a #narrow street#. Such lowered #street wall# shall extend along such #narrow# #street line# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the #High Line frontage# of a #building#, such portion of the #building# shall not exceed a height of 45 feet.

The provisions of this Section, relating to the location and height of the lowered #street wall# portion of the Tenth Avenue frontage of a #building# are illustrated in Diagram 1 (Street Wall and High Line Frontage Regulations in Subareas C, F and G) in Appendix C of this Chapter.

In Subarea C, for #zoning lots# with Tenth Avenue frontage between West 24th Street and West 28th Street, the maximum

#building# height shall be 125 feet.

In Subarea C, for any #enlargement# on a #zoning lot# that is subject to the provisions of Section [98-242](#) (Located partially within Subarea C and partially within M1-5 Districts) and located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height shall be the height of the existing #street wall# of the #building# to be #enlarged# and no #street wall# shall be required above such minimum base height.

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) of this Section shall not apply on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section 98-241. A maximum of 60 percent of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet, and a minimum of 20 percent of the West 18th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

(e) Subarea H

No #building or other structure# shall be located east of the #High Line#, unless otherwise specified in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and some or all of the Stairway and Elevator Work, executed in accordance with Appendix D.

No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of #buildings#, hereinafter referred to as “Tower East” and “Tower West.” At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such setbacks shall be provided at a height not lower than 60 feet, except that such setbacks may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from a #narrow# #street line#. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow# #street line#.

(f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the #street wall# location provisions set forth in paragraph (a) of this Section shall not apply along Tenth Avenue, as shown in Diagram 5 of Appendix C of this Chapter, but shall apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. No portion of a #building or other structure# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one #building# which may have a height not to exceed 250 feet provided such #building# is located in its entirety between 10 feet and 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17th Street #street line#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the

provisions of Section [98-25](#). In lieu thereof, the provisions of this paragraph (g) shall apply.

(1) Midblock Zone

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue #street line# and more than 200 feet east of the Tenth Avenue #street line#. Within the Midblock Zone, a #building# shall have a maximum #street wall# height before setback of 110 feet, and shall have a maximum #building# height of 130 feet.

(2) Ninth Avenue Zone

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue #street line#. Within the Ninth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 130 feet before setback and a maximum #building# height of 135 feet. Any #building# located above a height of 130 feet shall be set back at least five feet from the Ninth Avenue #street wall# and at least 15 feet from the West 15th Street and West 16th Street #street walls#.

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section [33-42](#) shall be permitted.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT BY DISTRICT OR SUBAREA

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	_____ 1
	between 50 and 100 feet of a #wide street#	15	85	_____ 1

	for #zoning lots# with only #narrow street# frontage	40	60	_____ 1
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 ²	125 ²	125 ²
	for #zoning lots# with Eleventh Avenue frontage	125 ²	145 ²	145 ²
Subarea D		60	90	250 ¹
Subarea E		60	105 ³	120 ³
Subarea F		60 ²	80 ²	80 ²
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 ²	120 ²	120 ²
Subarea H		60 ⁴	85 ⁴	_____ 4
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120 ⁵
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 ⁶	130 ⁶
	Ninth Avenue Zone	NA	130 ⁶	135 ⁶
	Tenth Avenue Zone	NA	185 ⁶	230 ⁶

Subarea K	NA ⁷	NA ⁷	NA ⁷
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- 1 see Section [98-423](#), paragraph (b)
- 2 see Section [98-423](#), paragraph (c)
- 3 see Section [98-423](#), paragraph (d)
- 4 see Section [98-423](#), paragraph (e)
- 5 see Section [98-423](#), paragraph (f)
- 6 see Section [98-423](#), paragraph (g)
- 7 see Section [98-423](#), paragraph (h)

98-424 - Authorization to modify certain bulk regulations

LAST AMENDED
3/22/2006

For #zoning lots# located entirely within 75 feet of the west side of the #High Line#, the City Planning Commission may authorize the modification of height and setback regulations set forth in Sections [98-40](#) and [98-50](#), inclusive, the transparency requirements set forth in Sections [98-141](#) and [98-54](#), and the underlying #rear yard# and minimum distance between #legally required windows# and walls or #lot lines# regulations. The Commission shall find that such modification will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public areas.

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

98-43 - Special Distance Between Buildings Regulations

LAST AMENDED
6/23/2005

The provisions of Section [23-70](#) (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

98-50 - SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS ADJACENT TO THE HIGH LINE

LAST AMENDED
6/23/2005

98-51 - Height and Setback Regulations on the East Side of the High Line

LAST AMENDED
8/24/2017

(a) Subarea A

At least 60 percent of the aggregate length of the eastern #High Line frontage# of a #building# shall set back at the level of the #High Line bed#. Not more than 40 percent of the aggregate length of such #High Line frontage# may rise above the level of the #High Line bed#. No portion of such #High Line frontage# shall exceed a maximum height of 20 feet above the level of the #High Line bed#, as illustrated in Diagram 2 (Street Wall and High Line Frontage Regulations in Subarea A) in Appendix C of this Chapter.

(b) In C6-3A Districts and in Subareas C, F and G

For #zoning lots# extending less than 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of a #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For #zoning lots# that extend for at least 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of the #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#, except that a maximum of 40 percent of such #High Line frontage# may rise without setback above a height of 3 feet, 6 inches above the level of the #High Line bed# provided such portion of the #building# is not located directly between the #High Line# and any #street wall# of a #building# that is subject to a maximum height of 45 feet in accordance with paragraph (c) (Subareas C, F and G) of Section [98-423](#) (Street wall location, minimum and maximum base heights and maximum building heights).

The portions of #buildings# in which #High Line# Service Facilities are provided in accordance with paragraph (b)(4) of Appendix E shall be considered permitted obstructions to the height and setback regulations of this paragraph (b).

However, the provisions of this paragraph (b) shall not apply to any #zoning lot# existing on June 23, 2005 where the greatest distance between the eastern side of the #High Line# and a #lot line# east of the #High Line# is 35 feet when measured parallel to the nearest #narrow# #street line#.

98-52 - Height and Setback Regulations on West Side of High Line

LAST AMENDED
6/23/2005

In C6-2A, C6-3A and M1-5 Districts and in Subareas A, B and E, no portion of the western #High Line frontage# of a #building#, including parapets, shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For any #zoning lot#, or portion thereof, with more than 60 feet of width measured perpendicular to the west side of the #High Line#, the following rules shall apply to any #building# containing #residences#:

- (a) At least 60 percent of the aggregate length of that portion of the #building# located above a height of 3 feet, 6 inches above the level of the #High Line bed# and facing the #High Line# shall be located between 15 and 20 feet of the west side of the #High Line# and extend up to at least the applicable minimum base height specified in the table in Section [98-423](#); and
- (b) No #building#, or portion thereof, that exceeds the applicable maximum base height specified in the table in Section [98-423](#) shall be located within 30 feet of the #High Line#.

Chain link fences and razor wire shall not be permitted within the western #High Line frontage#.

98-53 - Required Open Areas on the East Side of the High Line

LAST AMENDED
8/24/2017

For any #development# or #enlargement# on a #zoning lot#, or portion thereof, within C6-3A Districts or within Subareas A, C, F or G and over which the #High Line# passes or on a #zoning lot# adjacent to a #zoning lot# over which the #High Line# passes, a landscaped

open area shall be provided in an amount equal to at least 20 percent of the #lot area# of the portion of the #zoning lot# that is within C6-3A Districts or within Subareas A, C, F or G, pursuant to the requirements of paragraphs (a) and (b) of this Section. Such open area shall be located directly adjacent to the #High Line# with its longest side adjacent to the #High Line# and shall be located at an elevation not to exceed a height of 3 feet, 6 inches above the level of the #High Line bed# adjacent to the #zoning lot#. At no point shall such open area be located within 50 feet of Tenth Avenue.

(a) Open area requirements

All required open areas shall:

- (1) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (2) be landscaped with shrubs, vines, flowers, ground cover, trees, and/or plants in planters over a minimum of 25 percent of the required open area;
- (3) be maintained by the #building# owner who shall be responsible for the maintenance of the open area including, but not limited to, the repair of all amenities, litter control and the care and replacement of vegetation within the #zoning lot#;
- (4) have all mechanical equipment which is located at the same elevation as the open area, or within 15 feet of the level of the open area, screened and buffered with no intake or exhaust fans facing directly onto the required open area; and
- (5) for open area screening, required open areas may be screened from the public areas of the #High Line# by a wall, fence, or plantings extending not higher than eight feet above the average elevation of the open area. All screening materials must be substantially transparent. For the purposes of this Section, substantially transparent screening is defined as transparent, or non-opaque, in an evenly distributed fashion for at least 75 percent of its area. Chain link fences and razor wire shall not be permitted. Vegetated screening, such as shrubs, vines and other plantings, may be opaque if completely covered by vegetation, provided that any underlying surface is substantially transparent.

In addition, such screening material shall be maintained in good condition at all times, may be interrupted by normal entrances and/or exits, and shall have no signs hung or attached thereto, other than those permitted in Section [98-15](#).

(b) Permitted obstructions

Only the following shall be permitted to obstruct a required open area:

- (1) any #High Line# access structure providing pedestrian access to the #High Line# by stairway or elevator;
- (2) the portions of #buildings# in which #High Line# Service Facilities are provided in accordance with paragraph (b)(4) of Appendix E;
- (3) those items listed in paragraph (a) of Section [37-726](#) (Permitted obstructions); and
- (4) open air cafes and kiosks, provided that open air cafes may occupy in the aggregate no more than 75 percent of such required open area.

98-54 - Transparency Requirements on the East Side of the High Line

LAST AMENDED
2/2/2011

The transparency requirements of this Section shall apply to the #High Line frontage# portion of #buildings# #developed# or #enlarged# after June 23, 2005, and located in C6-3A Districts and within Subareas A, C, F and G, except for such portions that contain #dwelling units#. At least 50 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed#, shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-55 - Requirements for Non-transparent Surfaces on the East Side of the High Line

LAST AMENDED
11/13/2012

Except in Subarea J, any portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the #High Line bed# and an elevation of 12 feet above the level of the #High Line bed#, shall be planted with vines or other plantings or contain artwork. Such elements shall substantially cover the applicable non-transparent portion of the #High Line frontage#.

98-60 - SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS

LAST AMENDED
10/27/2010

98-61 - High Line Access or Support Easement Volumes Requirement

LAST AMENDED
11/13/2012

For all #developments# or #enlargements# within the #Special West Chelsea District#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as “primary access”), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after December 20, 2004, has more than 5,000 square feet of #lot area#. For all #developments# or #enlargements# within Subareas H, I and J that are developed pursuant to Section [98-25](#) (High Line Improvement Bonus), this provision does not apply.

In the #High Line Transfer Corridor#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway (hereinafter referred to as “secondary access”), shall be provided on any #zoning lot# from which #floor area# has been transferred pursuant to Section [98-33](#) unless a primary access easement has been provided pursuant to this Section.

However, a primary access easement shall not be required if a primary access easement is already provided on the same #block# and a secondary access easement shall not be required if a primary or secondary access easement has already been provided on the same #block#. Furthermore, primary and/or secondary access easements shall not be required where the Chairperson of the City Planning Commission certifies that:

- (a) the minimum dimensions required for the access easement volume pursuant to paragraph (a) of Section [98-62](#) cannot be accommodated within 33 feet, 6 inches of a #street line# for primary access easements and 40 feet of a #street line# for secondary access easements; or
- (b) in the case of a primary easement, a secondary easement is already provided on the same #zoning lot# and such easement is sufficient in size, or has been enlarged to be sufficient in size, to accommodate the provisions for primary access easements as specified in Section [98-62](#); or
- (c) for primary or secondary easements, access has already been constructed, or an access volume has been dedicated, on the same #block# or on the same #street# frontage, and that such access or access volume meets the location and access requirements for primary or secondary access easements, as specified in Section [98-62](#), paragraphs (a) and (b), and meets all standards, as applicable, for persons with disabilities; or
- (d) for primary or secondary easements, construction documents for the #High Line# open space have been developed by the City that specify the same #street# frontage as an access location; or
- (e) such #development# or #enlargement# is located wholly within an M1-5 District and no portion of such #development# or #enlargement# has more than 10,000 square feet of #floor area# and is located within five feet of the #High Line#; or
- (f) such #development# or #enlargement# is located on a #zoning lot# that fronts on West 23rd Street.

98-62 - High Line Access Easement Regulations

LAST AMENDED
11/13/2012

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume, other than a #zoning lot# developed pursuant to Section [98-25](#) (High Line Improvement Bonus), as follows:

(a) Location and Minimum Dimensions

(1) Primary access easement volume

A primary access easement volume may be located within a #building# or within open areas on the #zoning lot#, including open areas required pursuant to Section [98-53](#) (Required Open Areas on the East Side of the High Line), provided such volume is within 15 feet of a #narrow# #street line#. The minimum length of such volume shall be 18 feet, 6 inches, and the minimum width shall be 10 feet; however, the minimum area of such volume shall be 350 square feet. The height of such volume shall extend from a point at least 10 feet below #curb level# to a point at least 15 feet above the level of the #High Line bed#. A primary access easement volume may also replace a previously provided secondary access easement volume, and such secondary access easement volume may be terminated pursuant to Section [98-64](#). Such minimum dimensions are illustrated in Diagram 6 (High Line Access Easement Volume Parameters) of Appendix C of this Chapter.

(2) Secondary access easement volume

A secondary access easement volume shall be located within 15 feet of a #narrow# #street line# and directly adjacent to the #High Line# for a minimum length of 25 feet. Such volume shall have a minimum width of 10 feet. The height of such volume shall extend from #curb level# to a point at least 10 feet above the level of the #High Line bed#.

(b) Access

All access easement volumes shall be accessible either directly from a public sidewalk or through a publicly traversable way through the #zoning lot# directly connecting with a public sidewalk. Such publicly traversable way shall meet the following requirements:

- (1) The required width of the publicly traversable way shall be a minimum of eight feet.
- (2) No portion of the publicly traversable way shall be interrupted or occupied by an off-street parking or loading area.
- (3) The access easement volume shall be visible from the public sidewalk or the publicly traversable way.
- (4) The publicly traversable way shall be maintained by the property owner in good repair.
- (5) The publicly traversable way shall be fully accessible to persons with disabilities.
- (6) The publicly traversable way shall be open and accessible to the public at all times when a stairway and/or elevator located within the associated access easement volume is open and accessible to the public.

(c) Permitted obstructions

Any access structure within the access easement volume, or any weather protection provided by an overhang or roofed area over such access easement volume, #accessory# to the access structure, shall be considered permitted obstructions within required #yards# or open areas.

(d) Permitted #uses#

An access easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of such #zoning lot# for any permitted #use# until such time as required by the City of New York or its designee for access purposes. Such permitted #use# shall be limited to non-residential #uses# where such access easement volume is within a

#building#. Where such access easement volume is within an open area, such area shall be landscaped, or may be improved in accordance with the provisions of Sections [37-726](#) (Permitted obstructions) and [37-73](#) (Kiosks and Open Air Cafes), except that in the case of open air cafes and kiosks, a certification shall not be required.

Improvements or construction of a temporary nature within the easement volume shall be removed by the owner of such #zoning lot# prior to the time at which public use of the easement areas is required. A minimum notice of six months in writing shall be given by the City of New York or its designee to the owner of the #zoning lot#, in order to vacate the tenants of such temporary #uses#.

(e) #Legally required windows#

The minimum distance between any #legally required window# in a portion of a #building# used for #residential use# and an access easement volume shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

98-63 - Recording of High Line Access Easement Volume

LAST AMENDED
6/23/2005

An instrument in a form acceptable to the Department of City Planning creating a #High Line# access easement volume shall be recorded in the Office of the City Register, a certified copy of which shall be submitted to the Department of City Planning.

Notice by the Department of City Planning of its receipt of a certified copy of an instrument establishing any access easements required pursuant to this Chapter shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# of #enlargement# on a site pursuant to Section [98-60](#) for primary access easements. Receipt of a certified copy of an instrument creating a secondary access easement shall be provided in conjunction with notification, pursuant to Section [98-33](#), paragraph (a).

98-64 - Termination of High Line Access Easement Volume

LAST AMENDED
11/13/2012

In the event that the City Planning Commission notifies the Department of Buildings and the owner in writing that a #High Line# access easement volume is not required on a #zoning lot# under the final construction plans for the restoration and reuse of the #High Line# as an accessible, public open space, the restrictions imposed on such #zoning lot# by the provisions of Section [98-61](#) (High Line Access or Support Easement Volumes Requirement) shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the Commission to the extinguishment of the easement volume. On termination of the #High Line# access easement volume requirement which has been certified pursuant to this Section, any area reserved for such easement within a #building or other structure# may be used for any #use# permitted pursuant to the provisions of this Chapter and such area shall not be considered #floor area#; and any open area reserved for such easement shall be maintained as an open area and shall be subject to the open area requirements of Section [98-53](#) (Required Open Areas on the East Side of the High Line).

98-65 - Transit Facilities

LAST AMENDED
10/27/2010

The provisions of paragraph (b) of Section [93-65](#) (Transit Facilities) shall apply to any subway-related #use# on a #zoning lot# that includes the volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of this Chapter.

98-70 - SUPPLEMENTAL REGULATIONS

LAST AMENDED

10/27/2010

- (a) In the #Special West Chelsea District#, the provisions of paragraphs (a) through (d), inclusive, of Section [93-90](#) (HARASSMENT) shall apply as modified in this Section.
- (b) In the #Special West Chelsea District#, the provisions of Section [93-91](#) (Demolition) shall apply.

For the purposes of this Section, the following definitions in Section [93-90](#) shall be modified:

Anti-harassment area

“Anti-harassment area” shall mean the #Special West Chelsea District#.

Referral date

“Referral date” shall mean December 20, 2004.

In addition, Section [93-90](#), paragraph (d)(3), is modified as follows:

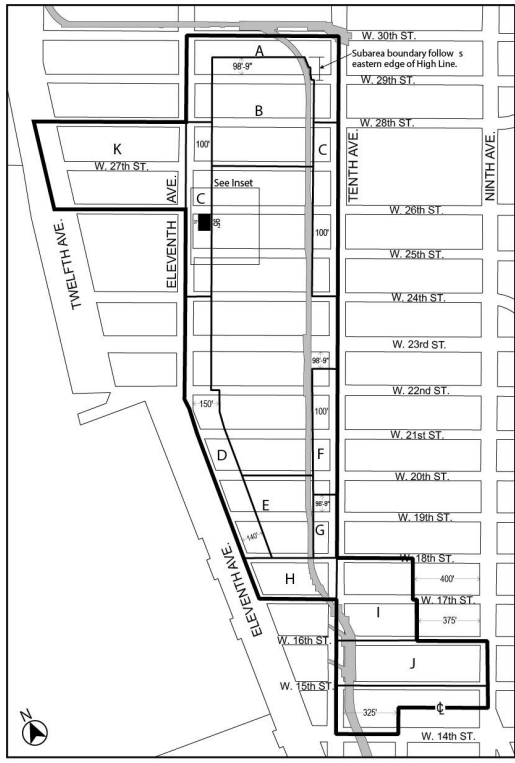
No portion of the #low income housing# required under this Section shall qualify to:





- (a) increase the #floor area ratio# pursuant to the provisions of the #Special West Chelsea District#, #Special Hudson Yards District#, #Special Garment Center District#, #Special Clinton District# or Section [23-154](#); or
- (b) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

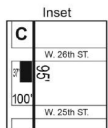
Appendix A - Special West Chelsea District and Subareas

LAST AMENDED

11/13/2012

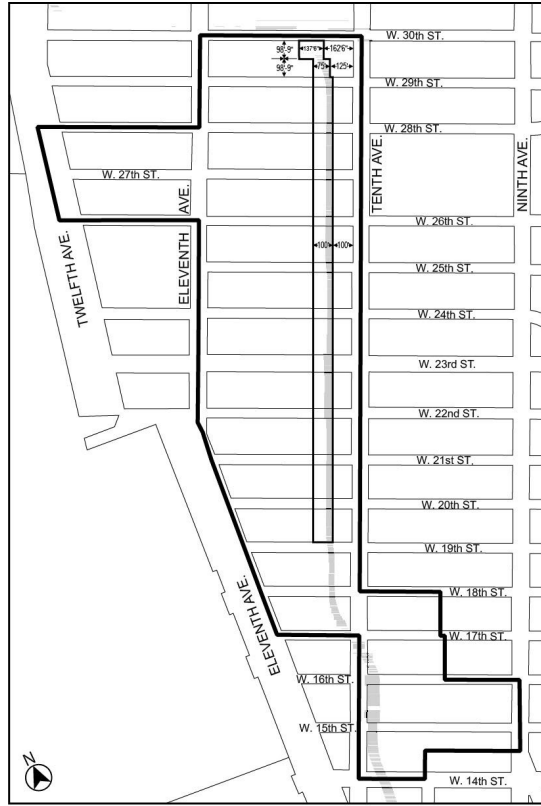


-  Special West Chelsea District boundary
-  Subarea boundary
-  High Line
-  Transit Facility



Appendix B - High Line Transfer Corridor Location

LAST AMENDED
11/13/2012



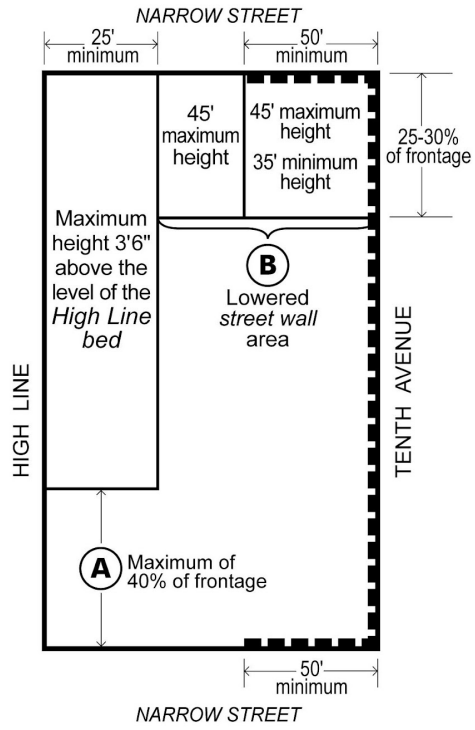
- Special West Chelsea District boundary
- High Line Transfer Corridor
- High Line

Appendix C -

LAST AMENDED
10/17/2007

(3/22/06)

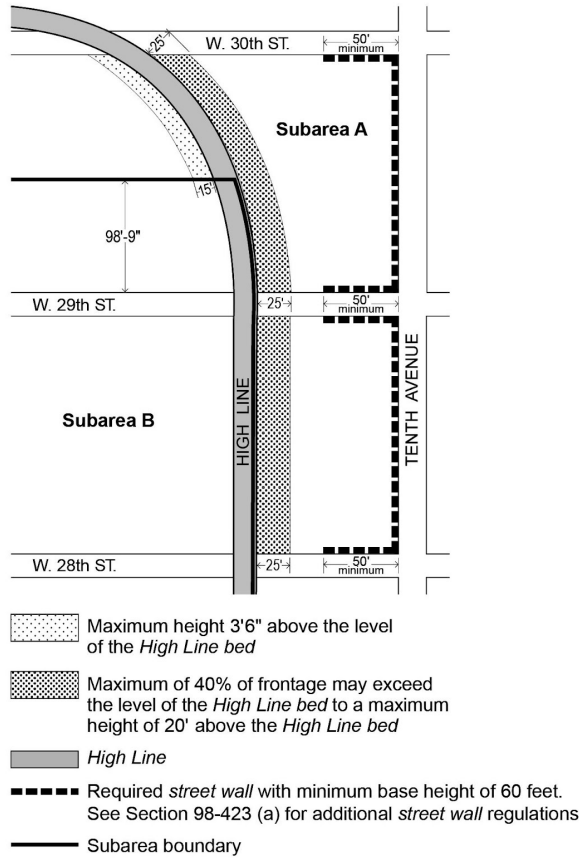
Diagram 1 – Street Wall and High Line Frontage Regulations in Subareas C, F and G



- Building
- Building areas (Locations are illustrative)
- (A) (B) Building areas that may not be located adjacent to one another
- - - Required street wall

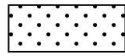
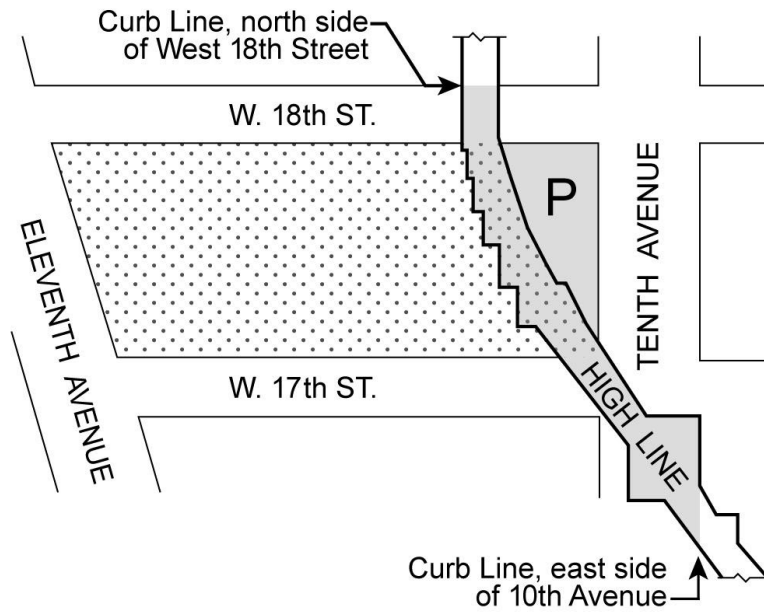
(6/23/05)

Diagram 2 – Street Wall and High Line Frontage Regulations in Subarea A (98C.2)



(10/17/07)

Diagram 3 – Subarea H Requirements (98C.3)



Area where building is permitted
(Also see Section 98-423(e))



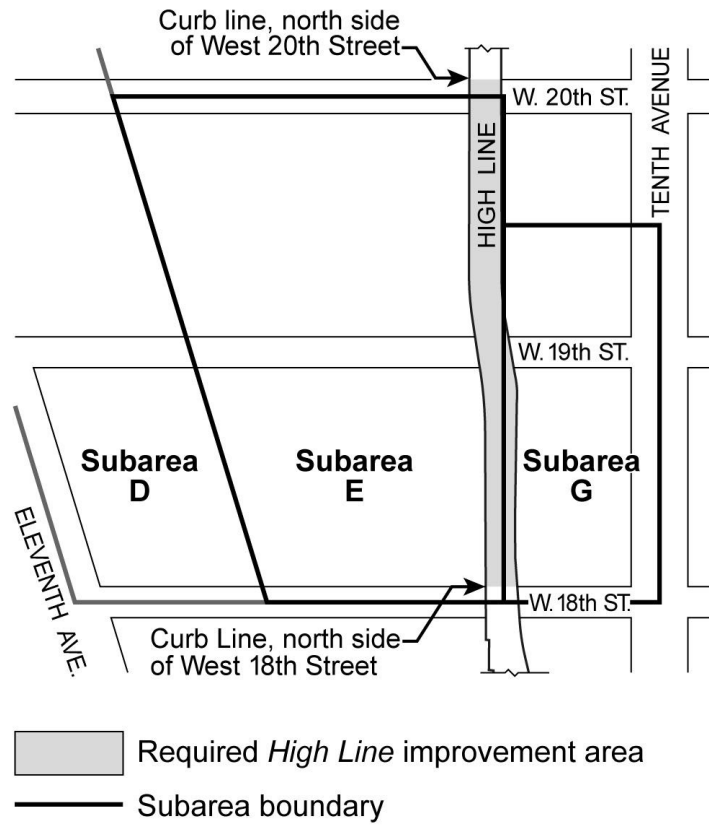
Required *High Line* improvement area
(Includes Required Public Plaza area)

P

Required Public Plaza area

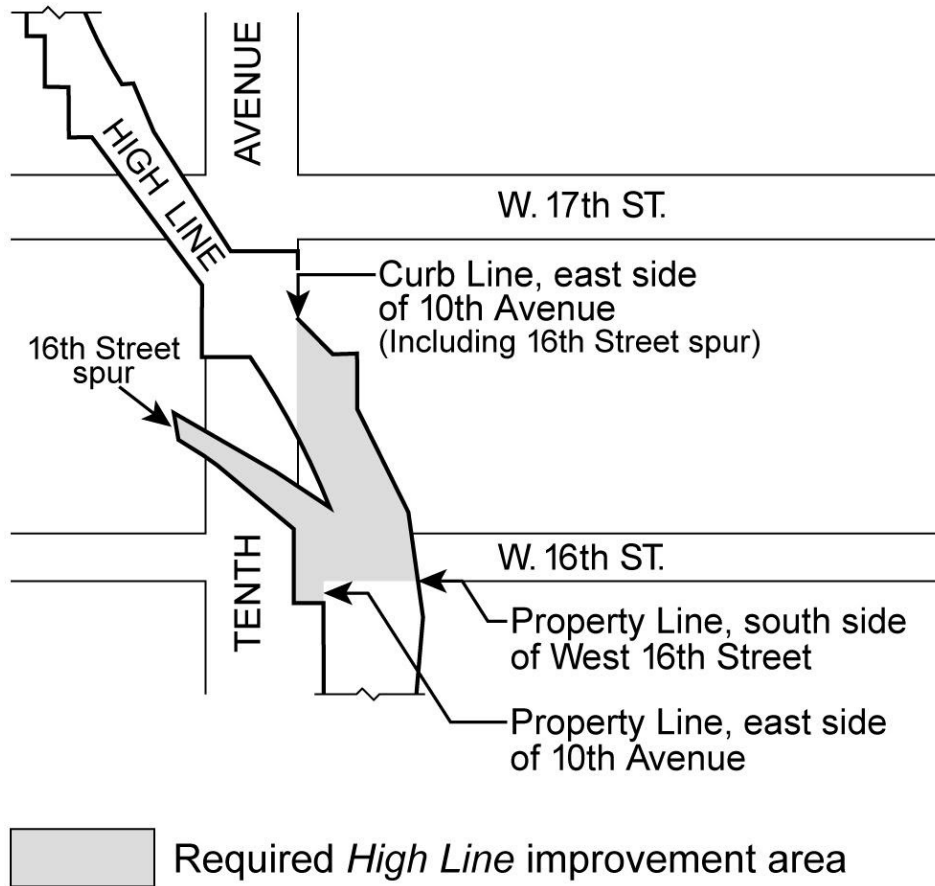
(6/23/05)

Diagram 4 – High Line Improvement Area Boundaries for Zoning Lots Divided by District Boundaries in Subareas D, E and G (98C.4)



(3/22/06)

Diagram 5 – Subarea I Requirements Between West 16th and West 17th Streets (98C.5)



(6/23/05)

Diagram 6a – High Line Access Easement Volume Parameters: Primary Access Easement Volume (98C.6a)

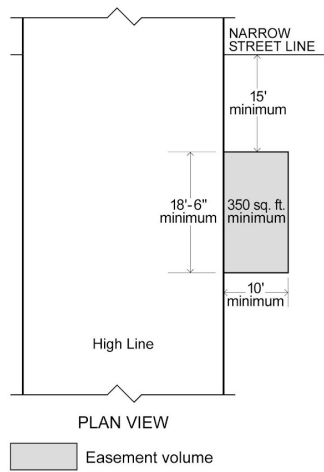
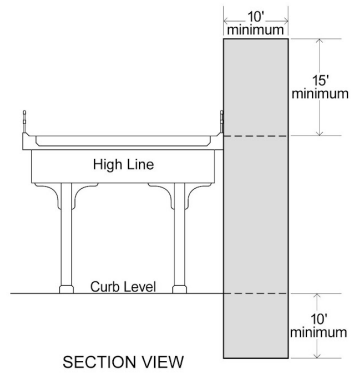
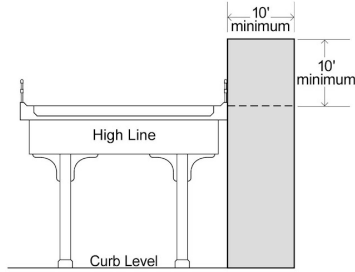
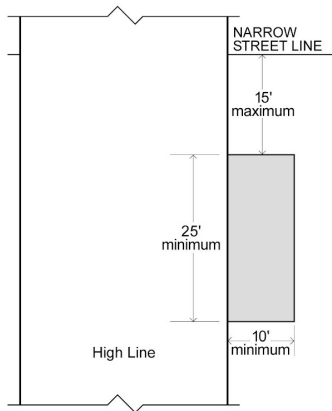



Diagram 6b – High Line Access Easement Volume Parameters: Secondary Access Easement Volume (98C.6b)



SECTION VIEW

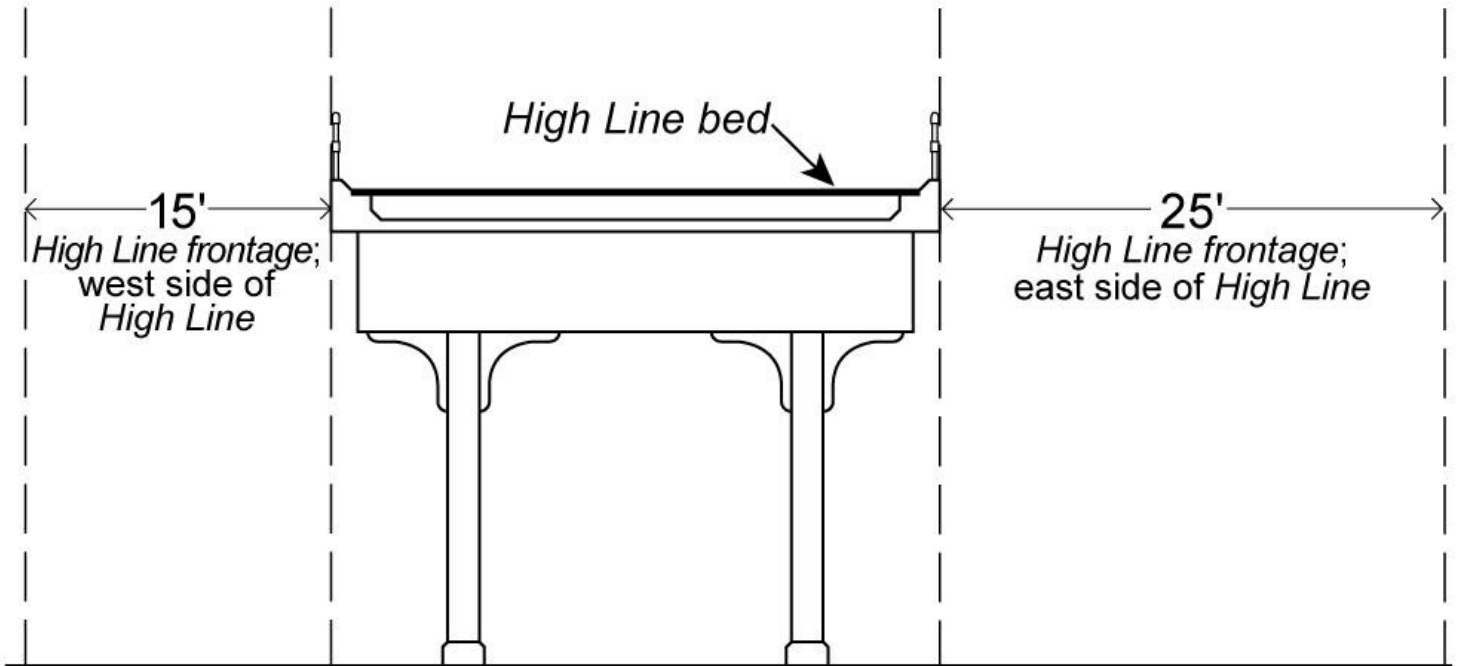


PLAN VIEW

 Easement volume

(6/23/05)

Diagram 7 – High Line Bed and Frontages (98C.7)



Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

LAST AMENDED
2/2/2011

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea H between West 17th and 18th Streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 9822 (Maximum Floor Area Ratio and Lot Coverage in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 9825 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy, pursuant to paragraph (b) of Section 9825, for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest,” as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10.

(a) Requirements for issuance of building permit under paragraph (a) of Section 9825

(1) As a condition of issuance of a building permit under paragraph (a) of Section 9825:

- (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix D, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22, provided, that in the event the Owner has previously entered into agreements for construction of At-Grade Plaza Work and Stairway and Elevator Access Work by the City, pursuant to paragraph (a)(2) of this Appendix D, and has made a contribution pursuant thereto, the amount of contribution to the #High Line# Improvement Fund under this subparagraph for purposes of Section 98-25, paragraph (a) shall be reduced by such amount at the time it is made;
- (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and use of the At-Grade Plaza and the stairway and elevator that will provide access to the #High Line#, as shown in Diagram 3 of Appendix C, such easement area for the At-Grade Plaza to include the entire area of the #zoning lot# east of the #High Line# and such easement area as it relates to such stairway and elevator to be at least 2,500 square feet and in a location and configuration acceptable to the City; access for the potential performance by the City of work under the provisions set forth below; and maintenance and repair of the stairway and elevator. Such declaration shall incorporate by reference the maintenance and operating agreement referred to in paragraph (a)(1)(iii) of this Appendix D, provided that, in the event the Owner enters into agreements for construction of some or all of the At-Grade Plaza Work and Stairway and Elevator Access Work by the City pursuant to paragraph (a)(2) of this Appendix D, the provisions of such restrictive declaration shall be modified as deemed necessary by the City to effectuate such agreements; and
- (iii) the Owner shall execute a maintenance and operating agreement for the At-Grade Plaza.

The easements and agreements described herein shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (b).

- (2) Upon the request of the Owner or the City, the City in its sole discretion, may enter into agreements with the Owner, in a form acceptable to the City, providing for construction by the City of some or all of the At-Grade Plaza Work described in paragraph (b)(2)(ii)(b) of this Appendix D, and some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) by the City, including provisions with regard to the viability of retail space fronting the At-Grade Plaza. Pursuant to such agreements, the Owner shall make a contribution of \$2,300,000 to a sub-account of the #High Line# Improvement Fund to fund such construction, which amount may be reduced in accordance with provisions of such agreements by an amount reflecting expenditures that the owner has reasonably incurred or shall reasonably incur with respect to remediation work for the At-Grade Plaza and any other work which is the responsibility of the Owner

pursuant thereto. All parties in interest shall execute a Restrictive Declaration pursuant to paragraph (a)(1)(ii) of this Appendix D, with such modifications as deemed necessary by the City to effectuate such agreements.

- (3) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement by Owner, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the contribution to the #High Line# improvement. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.
 - (4) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 9825, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.
- (b) Requirements for issuance of certificates of occupancy under paragraph (b) of Section 9825
- (1) Structural Remediation Work under paragraph (b)(2) of Section 9825:
 - (i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph (b). Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (b)(1)(iv) and (b)(1)(v) in this Section (unless such dates are extended by mutual agreement of the City and Owner), but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next 24 months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by \$21.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (b)(2), with respect to the Structural Remediation Work, shall be of substantial completion with respect to issuance of any temporary certificate of occupancy, and of final completion with respect to issuance of any final certificate of occupancy.
 - (ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to public view versus those that will not be so exposed) and shall include, but not be limited to, the following:
 - (a) Removal and disposal of all leadbased products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (b) Repair of all damaged portions of the entire steel structure, including but not limited to railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;
 - (c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;
 - (d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the

City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

- (e) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and
 - (f) Any work required to be performed belowgrade for the anticipated improvements of the #High Line# for reuse as open space.
- (iii) Subject to the Not-To-Exceed Limit set forth in paragraph (c) of this Appendix D, if Owner exercises the option to perform the Structural Remediation Work, it shall reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone).
- (iv) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to delays outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.
- (v) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following June 23, 2005, or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, for any time during which Owner is unable to gain access in order to perform the Structural Remediation Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004.
- (vi) In the event that the City does not provide the specifications for the Structural Remediation Work, within the timeframe set forth in paragraph (iv) of this Section, Owner may exercise the option to perform such work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays as described in paragraph (b)(1)(v), but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.
- (2) At-Grade Plaza Work under paragraph (b)(3) of Section 9825:

The following shall apply, except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D, that provide for construction of some or all of the At-Grade Plaza Work set forth in paragraphs (b)(2)(ii)(b) and (b)(2)(ii)(c), by the City:

- (i) Owner shall perform AtGrade Plaza Work within the area on the #zoning lot# shown in Diagram 3 of Appendix C. For any temporary certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of substantial completion of the At-Grade Plaza Work (i.e., the At-Grade Plaza shall be open and accessible to the public). For any permanent certificate of occupancy, certification pursuant to Section 98-25, paragraph (b) (3), shall be of final completion of the At-Grade Plaza Work. Substantial completion of the At-Grade Plaza Work shall also require execution by all parties-in-interest of the declarations, easements and maintenance and operating agreement described in paragraph (a) of section (1) of this Appendix, if not previously provided in connection with issuance of a building permit.

- (ii) At-Grade Plaza Work shall include, but not be limited to:
 - (a) remediation work; and
 - (b) all paving, plantings, surface treatments, lighting, trees, seating, fountains and other site amenities; and
 - (c) infrastructure work, including conduits, drainage, water line, electrical connections, and other utility work serving the At-Grade Plaza.
- (iii) The At-Grade Plaza Work shall be performed by the Owner pursuant to construction documents provided by the City by January 31, 2008. The At-Grade Plaza Work shall be completed within one year following January 31, 2008, subject to reasonable extension for any delays beyond Owner's reasonable control and to such extension as the City and the Owner may mutually agree, and, in addition, for any time during which Owner is unable to gain access in order to perform the At-Grade Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon October 17, 2007, or for any time needed to perform any necessary remediation work on the #zoning lot#.
- (iv) In no event shall Owner be required to complete the At-Grade Plaza Work until the #High Line# improvements within the portion of the #High Line# Improvement Area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot# (and, as applicable, over such Improvement Area, as shown on Diagram 3 of Appendix C), are substantially complete (i.e., open to the public but for the work needed to complete the At-Grade Plaza Work). Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 9825, paragraph (b)(3), until the Chairperson determines that the At-Grade Plaza Work is substantially complete.
- (v) The cost to Owner of the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph, (b)(3) of this Section) shall not exceed \$2,300,000. The amount of contribution to the #High Line# Improvement Fund under subdivision (a) of section (1) of this Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such amount at the time it is made. In addition to the costs of the At-Grade Plaza Work, subject to the Not-To-Exceed Limit set forth paragraph (c) of this Appendix D. Owner shall be required to reimburse the City for:
 - (a) the reasonable cost of developing the plans and construction documents for the At-Grade Plaza Work; and
 - (b) the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).
- (vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph (3) of this subsection, Owner shall not be required to perform the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary belowgrade work (including related infrastructure work necessary to support the #High Line#), and at-grade improvements pursuant to the standards set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743 and 37-76 of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's specifications for the At-Grade Plaza Work or as specified in Section 37-726, for the Alternate At-Grade Plaza Work, shall not count towards #lot coverage#.
- (vii) The cost to the Owner of the Alternate At-Grade Plaza Work shall not exceed \$1,400,000. In addition, Owner shall, subject to the Not-To-Exceed Limit of paragraph (c) of this Appendix D, be required to reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Alternate At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).
- (viii) Upon substantial completion of the At-Grade Plaza and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4), Owner shall provide the City with the declarations,

easements and maintenance and operating agreement described in subsection (a) of section (1) of this Appendix, if not already provided in connection with the issuance of a building permit; such At-Grade Plaza shall be open and accessible to the public during at least the same hours during which the #High Line# is open and accessible to the public, subject to the terms of the maintenance and operating agreement; and Owner shall maintain the At-Grade Plaza pursuant to the terms of the maintenance and operating agreement.

(3) Stairway and Elevator Access Work under paragraph (b)(4) of Section 98-25:

The following shall apply except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D that provide for the construction of some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) of this Appendix D by the City:

- (i) Except as provided in paragraph (b)(3)(iii) of this Section, Owner shall perform Stairway and Elevator Access Work within the At-Grade Plaza area as shown in Diagram 3 of Appendix C in conjunction with performance of the At-Grade Plaza Work. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (b)(4), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification pursuant to such Section shall be of final completion of the work.
- (ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator, shall be included in the construction drawings for the At-Grade Plaza Work described above, and shall be performed by Owner within the time period for performance of the At-Grade Plaza Work described in paragraph (c) of this Section. The location for the stairway and elevator shall take into account the viability of any retail spaces fronting the At-Grade Plaza.
- (iii) Owner shall not be responsible for performance of the Stairway and Elevator Access Work where it performs the Alternate At-Grade Plaza Work in accordance with paragraph (b) of this Section. In that event, prior to commencing the Alternate At-Grade Plaza Work and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4):
 - (a) Owner shall deposit into the #High Line# Improvement Fund, a contribution of \$900,000.00 (the Access Contribution), to be used at the direction of the Chairperson of the City Planning Commission for construction of stairway and elevator facilities on the #zoning lot#; and
 - (b) Owner shall provide the City with the declarations, easements, and maintenance and operating agreement described in paragraph (a)(1) of this Appendix D, if not previously provided in connection with issuance of a building permit.

(4) City performance of work in the event of failure to perform:

- (i) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a) of this Appendix D, Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix), the At-Grade Plaza Work or Alternate Plaza Work, as applicable, and the Stairway and Elevator Access Work (where required to do so under paragraphs (b)(2) and (b)(3) of this Appendix), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area, as shown in Appendix C of this Chapter, for the #zoning lot#, as shown on Diagram 3 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) has passed, subject to the provisions of such sections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.
- (ii) The City may proceed with performance and/or completion of the work following such notice unless Owner:
 - (a) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total), unless such date is extended by mutual agreement between the City and

Owner, for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City; and

(b) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, any time in which Owner is unable to gain access in order to perform the At-Grade Plaza Work or Alternate Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004, or for any time during which remediation work is in progress on the #zoning lot#.

(iii) In the event Owner does not comply with the requirements of paragraph (b)(4)(ii):

- (a) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of section (a) of this Appendix;
- (b) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and
- (c) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor any temporary or permanent certificate of occupancy may be issued pursuant to Section 98-25, paragraph (b), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

(c) Reimbursement Not-To-Exceed Limits

Reimbursement of the City by Owner of costs pursuant to this Appendix shall not exceed a total of \$450,000.00.

Appendix E - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

LAST AMENDED
8/24/2017

This Appendix sets forth additional requirements governing #zoning lots# located partially within Subareas D, E and G or within Subarea I between West 16th and 17th Streets over which the #High Line# passes, with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy, pursuant to paragraph (c) of Section 9825, for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term "parties in interest" as used herein shall mean "parties-in-interest," as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

(a) Requirements for issuance of building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

- (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix E, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22; and
- (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and from a stairway and elevator on the #zoning lot# that will provide access to the #High Line# and for maintenance and repair by the City of such stairway and elevator; and the potential performance by the City of work under the provisions set forth below. In the case of #zoning lots# between West 16th and 17th Streets, Owner shall also provide the City with easements providing for City access to and from and

for public use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities. For #zoning lots# between West 18th and 19th Streets, in the event that the Commissioner of Parks and Recreation requires #High Line# Service Facility Work pursuant to paragraph (b)(4) of this Appendix, no easements shall be required relating to the location of and public access to a #zoning lot# nor from a stairway and elevator on the #zoning lot#. In such event, Owner shall instead provide the City with easements providing for City access to and from and for use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities, as specified in paragraph (b)(4)(ii) of this Appendix, and any restrictive declaration previously executed under this paragraph (a)(1)(ii) in connection with an initial certification pursuant to paragraph (a) of Section 98-25 shall be amended to provide for such easements. All easements described herein shall be in a form acceptable to the City and shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (c); and

(iii) submit plans for Stairway and Elevator Access Facilities and, where applicable, #High Line# Service Facilities that demonstrate compliance with the provisions of this Appendix E, and are consistent with New York City Department of Parks and Recreation standards and best practices governing materials life cycle and maintenance for review and approval by the Chairperson of the City Planning Commission.

(2) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot # and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the #High Line# Improvement Fund contribution to reflect the cost of such improvements. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

(3) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 9825, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for issuance of certificates of occupancy pursuant to paragraph (c) of Section 9825:

(1) Structural Remediation Work pursuant to paragraph (c)(2) of Section 9825

(i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph. Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (b)(1)(iv) and (b)(1)(v), (unless such dates are extended by mutual agreement of the City and Owner), but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next 24 months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by \$21.00 for each square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (c)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of temporary certificates of occupancy, and of final completion with respect to issuance of final certificates of occupancy.

(ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life, and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be

different standards for portions of the #High Line# that will be exposed to the public versus those that will not be so exposed) and shall include, but not be limited to, the following:

- (a) Removal and disposal of all leadbased products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (b) Repair of all damaged portions of the entire steel structure, including, but not limited to, railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;
 - (c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;
 - (d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (e) Removal of any or all portions of the ballast material on the #High Line#, including, but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and
 - (f) Any work required to be performed below grade for the anticipated improvements of the #High Line# for reuse as open space.
- (iii) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to such delays as are outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.
- (iv) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following June 23, 2005, or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control.
- (v) In the event that the City does not provide the specifications for the Structural Remediation Work within the timeframe set forth in paragraph (b)(1)(iii) of this Appendix, Owner may exercise the option to perform such work and proceed with the Structural Remediation Work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control, but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.
- (vi) If Owner exercises the option to perform the Structural Remediation Work, Owner shall reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone), such reimbursement not to exceed \$115,000.

- (2) Stairway and Elevator Access Work pursuant to paragraph (c)(3) and, except where the provisions of paragraph (b)(4) of this Appendix E apply, paragraph (c)(4) of Section 98-25:
- (i) Owner shall perform Stairway and Elevator Access Work subject to the provisions of this paragraph (b)(2). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification shall be of final completion of the work.
 - (ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator located directly adjacent to or below the #High Line#. Except as approved by the Chairperson of the City Planning Commission pursuant to paragraph (a)(1)(iii) of this Appendix, #curb level# entrances to such access facilities must be located at the #street line#. Such access facilities shall be harmonious with the design of the #High Line# on the #zoning lot# and shall be visible and identifiable as #High Line# access facilities when viewed from Tenth Avenue. Such access facilities may be unenclosed or enclosed. When such access facilities are enclosed and located at the #street line#, any wall or facade separating the access facility from the #street# shall be substantially glazed and fully transparent from ground level to the full height of the access facility. Any wall or facade separating the access facility from the #High Line# shall be substantially glazed and fully transparent from the level of the #High Line bed# to the full height of the access facility. Stairways shall have a clear path of not less than six feet in width. Such access facilities shall be identified with signage placed at the #High Line# level and at street level that is consistent with guidelines specified in the signage plan as authorized by the City Planning Commission pursuant to the provisions of Section 98-15.
 - (iii) The Stairway and Elevator Access Work shall be completed within one year following the later of June 23, 2005, or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the provisions of paragraph (b)(2)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.
 - (iv) In no event however shall Owner be required to complete the Stairway and Elevator Access Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification, pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.
- (3) #High Line# Service Facility Work pursuant to paragraph (c)(3) of Section 98-25:
- (i) For #zoning lots# located between West 16th and 17th Streets, Owner shall perform #High Line# Service Facility Work subject to the provisions of this Appendix. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.
 - (ii) #High Line# Service Facilities shall consist of satellite maintenance and operations space for the #High Line# open space as well as public restrooms, in accordance with the following standards:
 - (a) Location

Such facilities shall have a component located at the level of the #High Line bed#, or within five feet of such level (hereinafter referred to as the "upper service facility"). Such facilities shall also have a component located no higher than #curb level# (hereinafter referred to as the "lower service facility"). The upper facility must be located directly above the lower facility to enable placement of a trash chute connecting the upper and lower facilities. Where the upper facility is not located exactly at the level of the #High Line bed#, a fully accessible ramp must connect such level with the level of the upper facility. Where the lower facility is not located exactly at #curb level#, a means acceptable to the City of connecting the lower service facility to a #street# frontage shall be provided.

(b) Program and dimensions

(1) Lower service facilities

Lower service facilities shall contain a room which is accessible from #street# level and is no less than 50 square feet in area. Such facility shall contain the outlet of a trash chute from the upper service facility and shall also have a minimum of one electrical outlet furnishing a wattage consistent with its intended use within a maintenance and operations facility.

(2) Upper service facilities

Upper service facilities shall be no less than 350 square feet in area and shall contain, at a minimum, one public restroom not less than 250 square feet in area with separate restroom spaces for each gender, one storage room not less than 70 square feet in area, and one waste disposal room not less than 30 square feet in area and containing a trash chute to the lower service facility

Each room within such upper service facilities shall have a minimum of one electrical outlet furnishing wattage consistent with its intended use within a maintenance and operations facility.

- (iii) The #High Line# Facility Work shall be completed within one year following the later of June 23, 2005, or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the standards of paragraph (b)(3)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.
- (iv) In no event, however, shall Owner be required to complete the #High Line# Facility Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot#, as shown on Diagram 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.
- (v) The cost to Owner of the #High Line# Facilities Work shall not exceed \$1,150,000. The amount of contribution to the #High Line# Improvement Fund under paragraph (a)(1) of this Appendix E, made for purposes of Section 98-25, paragraph (a), shall be reduced by such at the time it is made.

(4) #High Line# Service Facility Work pursuant to paragraph (c)(4) of Section 98-25:

- (i) For #zoning lots# located between West 18th and 19th Streets, in the event the Commissioner of Parks and Recreation elects to require improvements under this paragraph by providing Owner written notice thereof no later than 30 days following August 24, 2017, Owner shall perform #High Line# Service Facility Work subject to the provisions of this paragraph (b)(4). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(4), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.
- (ii) #High Line# Service Facilities under this paragraph (b)(4) shall consist of facilities that the Commissioner of Parks and Recreation determines will provide significant support services to the #High Line# in accordance with the following minimum standards:

(a) Components, Size and Location

The #High Line# Service Facilities shall consist of a space on one or more levels, with no less than 1,900 square feet of such space at a floor level at, or within three vertical feet of, the level of the #High Line bed#; a walkway connecting such space to the #High Line# of sufficient width and with sufficient load-bearing capacity to accommodate the movement of service equipment to and from the #High Line# and which satisfies the additional obligations of the Americans with Disabilities Act of 1990; and a stairway with a clear path of not less than 44 inches in width providing access from the #street# to the portion of the

#High Line# Service Facilities located above.

(b) Other Features

The #High Line# Service Facilities shall include plumbing, electrical and utility infrastructure, including HVAC, as reasonably necessary to perform the service functions identified by the Commissioner of Parks and Recreation. Portions of any wall separating the #High Line# Service Facilities from the #High Line# and extending from the level of the #High Line bed# to the full height of the #High Line# Service Facilities shall comply with the transparency requirements of Section 98-54.

- (iii) The #High Line# Service Facility Work shall be completed within one year following the later of August 24, 2017, or the review and acceptance by the Chairperson of the City Planning Commission of the plans and specifications that demonstrate compliance with the standards of paragraph (b)(4)(ii) of this Appendix, subject to reasonable extensions for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner. Notwithstanding the foregoing, in the event that, prior to an election by the Commissioner of Parks and Recreation under paragraph (b)(4)(i) of this Appendix, the City and Owner have agreed to an extension pursuant to paragraph (b)(2)(iii) of this Appendix, in connection with Stairway and Elevator Access Work, the #High Line# Facility Work shall be completed by such date, unless further extended by mutual agreement pursuant to this paragraph (b)(4)(iii).

(c) City performance in the event of failure to perform

- (1) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a)(1) of this Appendix), Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix) and the Stairway and Elevator Access Work (under paragraph (b)(3)), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area, as shown in Appendix C of this Chapter, for the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) of this Appendix, as applicable, has passed, subject to the provisions of such paragraphs relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.
- (2) The City may proceed with performance and/or completion of the work following such notice unless Owner:
- (i) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total) for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City, unless such date is extended by mutual agreement between the City and Owner; and
 - (ii) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control.
- (3) In the event Owner does not comply with the requirements of paragraph (c)(2) of this Appendix:
- (i) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (a)(1) of this Appendix;
 - (ii) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and
 - (iii) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

Located Within Subarea J

LAST AMENDED

11/13/2012

This Appendix sets forth additional requirements governing #zoning lot# located within Subarea J over which the #High Line# passes for any #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas). The additional requirements are set forth in this Appendix F, in paragraph (a), the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); in paragraph (b), the performance of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (d) of Section 98-25; and in paragraph (c), the option of the owner to offer to the City an additional #High Line# Support Easement Volume. The term “parties in interest” as used herein shall mean “parties-in-interest,” as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

(a) Requirements for issuance of a building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

- (i) For each square foot of #floor area# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, up to the amount specified in Section 98-22, the owner shall:
- (a) for the first 80,000 square feet of such #floor area#, deposit such contribution to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that Section; and
- (b) for all such #floor area# which exceeds 80,000 square feet, subject to a deduction pursuant to other provisions of this Appendix F, deposit such contribution to the #High Line# Improvement Fund, or secure such contribution by letter of credit or other cash equivalent instrument in a form acceptable to the City.

Such contribution, in each case, shall be \$59.07 per square foot of #floor area# as of November 13, 2012, which contribution rate shall be adjusted July 1 of the following year and each year thereafter by the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics;

- (ii) All parties-in-interest shall execute that restrictive declaration, dated October 25, 2012, and on file at the Office of the Counsel, Department of City Planning, required in connection with environmental assessment (CEQR No. 11DCP120M) for the purpose of addressing historic resources and containing other provisions regarding the preservation of certain features of existing #buildings# and structures and related matters;
- (iii) All parties-in-interest shall execute a restrictive declaration in a form acceptable to the City addressing the terms described in this paragraph (a)(1)(iii):

(a) Hotel #use#

No #development# or #enlargement# that utilizes the provisions of Section 98-25 shall include a #transient hotel#;

(b) Retail concourse

As a condition of any #development# or #enlargement# pursuant to Section 98-25, the owner shall provide a pedestrian passageway within any #building# located on the #zoning lot# connecting the Ninth Avenue sidewalk with the Tenth Avenue sidewalk, which passageway shall be open to the public during business hours. Not less than 60 percent of the length of the frontages of such passageway shall be occupied primarily by retail uses, and in addition may be occupied by service, wholesale, production and event space identified in Use Groups 6A, 6C, 7B, 7C, 8A, 9A, 9B, 10B, 11A, 12A, 12B, 16A, 17A and such spaces shall have access to the passageway;

(c) Locations and dimensions of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall be sized and located to accommodate the following amenities, all of which shall be located within the #buildings# located within the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(3):

- (1) exclusive easements for public restrooms for each gender with an aggregate area of no less than 560 square feet (and which need not be more than 700 square feet) located adjacent to the #High Line# with direct access to the #High Line# for each of the public restrooms;
- (2) exclusive easements for #High Line# support space with an aggregate area of no less than 2,400 square feet (and which need not be more than 3,000 square feet) of which up to 800 square feet may be located on a mezzanine level, such space to be located adjacent and accessible to the #High Line#;
- (3) exclusive easements for #High Line# support space located in the cellar level in an aggregate area no less than 800 square feet (but need not be more than 1,000 square feet);
- (4) exclusive use of a dedicated freight elevator that shall provide access to the cellar level, to a shared loading facility at #street# level, to the level of the #High Line bed# and to the level of the #High Line# support space described in paragraph (a)(1)(iii)(c)(2) of this Appendix F; and
- (5) non-exclusive easements for:
 - (i) access between the dedicated freight elevator and the shared loading facility at grade level and the #High Line# support space located in the cellar level; and
 - (ii) use of the shared loading facility as more particularly set forth in paragraph (a)(1)(iii)(d) of this Appendix F;

(d) Use of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall not be dedicated for use by the general public but rather for use by the City or its designee for storage, delivery of materials and support of #uses# within the #High Line# (and in connection therewith, the fitting-out, operating, maintaining, repairing, restoring and replacement of the #High Line# Support Easement Volumes), except that:

- (1) the public may use the public restrooms;
- (2) up to 650 square feet of space adjacent to the #High Line# may be used exclusively for educational and related programming that is at no cost to the public; and
- (3) if dedicated to the City in accordance with paragraph (d) of this Appendix F, the optional additional #High Line# Support Easement Volume may be accessible to the public as part of concessions or other uses that relate to the #High Line#.

The City or its designee shall at all times use, operate and maintain the #High Line# Support Easement Volumes so as not to interfere with the use and enjoyment of the #buildings# located within Subarea J.

The #High Line# support spaces described in paragraphs (a)(1)(iii)(c)(2) and (3) of this Appendix F, shall be accessible by a dedicated freight elevator that connects to non-exclusive portions of the #building#, including a loading facility at #curb level#, through which the City or its designee shall be provided with a non-exclusive easement to enable reasonable and customary access;

(e) Effective date of the #High Line# Support Easement Volumes

The City's or its designee's rights to utilize the #High Line# Support Easement Volumes shall commence on the date that the #High Line# Support Work has been completed in accordance with paragraph (b)(1) of this Appendix F, or in the event of default of the owner in accordance with paragraph (c) of this Appendix F, the date that the City has notified the owner that it intends to perform such #High Line# Support Work in accordance with paragraph (c); and

- (f) Notice by the Department of City Planning of its receipt of certified copies of the recorded restrictive declarations required pursuant to paragraph (a) (1) (ii) and (iii) of this Appendix F, shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# or #enlargement# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012;
 - (iv) The owner shall submit plans for the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, that demonstrate compliance with the provisions of this Appendix and are consistent with New York City Department of Parks and Recreation standards and best practices governing material life cycle and maintenance, for review and approval by the Chairperson of the City Planning Commission;
 - (v) Solely in the event the initial certification made pursuant to Section 98-25, paragraph (a), is with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), then the owner shall enter into agreements with the City or its designee, in a form reasonably acceptable to the City, to provide interim access, in accordance with such agreements, to the #High Line# through a non-exclusive loading facility and an existing freight elevator. Such agreements shall provide that any space within the existing #building# may be used by the City or its designee at no cost, except that the City or its designee shall be obligated to pay for the proportionate costs of utilities, maintenance and other building expenses associated with the use of such loading facility and elevator, and for any improvements or modifications to such space that may be requested by the City or its designee. Such interim access shall cease upon the date that the City or its designee commences utilization of the #High Line# Support Easement Volumes in accordance with paragraph (a)(1)(iii)(d) of this Appendix F;
 - (2) The location of #floor area# which would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, and be subject to the provisions of Section 98-25, shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), the owner designates on plans submitted to the Chairperson of the City Planning Commission, subject to the concurrence of the Chairperson, an alternate location.
- (b) Requirements for issuance of certificates of occupancy pursuant to paragraph (d) of Section 98-25
- (1) #High Line# Support Work pursuant to paragraph (d) of Section 98-25
 - (i) The owner shall perform #High Line# Support Work subject to the provisions of this paragraph (b)(1), inclusive. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (d), shall be the substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.
 - (ii) The #High Line# Support Work shall consist of the following:
 - (a) the construction, fit-out and delivery in an operative condition of public restrooms described in paragraph (a)(1)(iii)(c)(1) of this Appendix F, furnished with restroom fixtures, including six toilet stalls for women, an aggregate of six toilet stalls and/or urinals for men and three sinks in each restroom, and provided with utility connections.
 - (b) the construction of the core and shell of the #High Line# support space described in paragraphs (a) (1)(iii)(c)(2) and (3) of this Appendix F including the provision of and access to separately metered gas, ventilation, water, sewer, electricity and telecommunications utilities systems commonly available in the #building# sufficient to support the anticipated uses of the support space. Within

the portion of the #High Line# support space in the vicinity of the level of the #High Line bed#, the owner will install a kitchen exhaust duct from such support space to a suitable point of discharge and will provide access to the #building# sprinkler standpipe and fire alarm system. Such support space shall also include access to a storage mezzanine pursuant to a dedicated lift, and there shall be a clear path at least five feet wide from the lift to the dedicated freight elevator described in paragraph (b)(1)(ii)(c) of this Appendix F. The owner will not be responsible for distributing any utility services within the #High Line# support space or for providing any ancillary equipment for the kitchen exhaust duct; and

(c) the construction of the dedicated freight elevator described in paragraph (a)(1)(iii)(c)(4) of this Appendix F, with a minimum capacity of 3,000 pounds;

(iii) Following the completion of the #High Line# Support Work described in paragraph (b)(1)(ii) of this Appendix F, all subsequent costs of operating, maintaining, repairing, replacing and additional fit-out of the #High Line# support space shall be exclusively the responsibility of the City and not the owner, provided that the owner shall be responsible for the repair and replacement of any defective #High Line# Support Work for a period of one year after completion thereof;

(iv) The cost to the owner of the #High Line# Support Work pursuant to the plans approved pursuant to this paragraph, (a)(1)(iv), shall be estimated at the time of such approval by a licensed engineer selected by the owner, such estimate to be in a form reasonably acceptable to the City, at an amount not to exceed \$2,544,000, as adjusted at the time of such approval by changes in the construction cost index published by the Engineering News Record (ENR) for New York City commencing as of December 1, 2012. In the event that the City requests the owner to perform any additional work in conjunction with the #High Line# Support Work and the owner agrees to perform such additional work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F;

(v) Except as set forth in paragraph (b)(1)(v) of this Appendix F no temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, until the #High Line# Support Work described in paragraph (b)(1) of this Appendix F has been substantially completed or finally completed, as applicable;

(vi) Notwithstanding anything to the contrary in this paragraph (b)(1), inclusive, if certification is initially made pursuant to Section 98-25, paragraph (a), with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(iii), then the conditions for certification pursuant to Section 98-25, paragraph (d), for a permanent or temporary certificate of occupancy shall not apply to such #building# or portion of a #building# and the following conditions shall apply:

(a) the owner shall deliver a letter of credit or other security reasonably satisfactory to the City in an amount reasonably determined by the City as sufficient for the City to perform the #High Line# Support Work described in paragraph (b)(1) of this Appendix F which letter of credit or other security may be drawn or exercised by the City in the event of a default by the owner in accordance with paragraph (c)(ii) of this Appendix F; and

(b) the owner shall enter into an agreement with the City in a form reasonably acceptable to the City requiring the owner to commence the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, no later than September 1, 2017, subject to force majeure as determined by the Chairperson, and shall thereafter diligently prosecute the same to completion, pursuant to an agreed-upon schedule, subject to force majeure as determined by the Chairperson.

(c) In the event the owner is in default of its obligations pursuant to the agreements required by paragraph (b)(1)(vi) of this Appendix F:

- (1) The City shall be entitled to draw the letter of credit or exercise the other security described in paragraph (b)(1)(vi)(a) of this Appendix F and to take possession of the #High Line# Support Easement Volumes following delivery of notice to the owner that the City intends to perform the #High Line# Support Work in accordance with provisions to be set forth in the restrictive declaration described in paragraph (a)(1)(iii) of this Appendix F;
 - (2) The City shall return to the owner any contribution made to the #High Line# Improvement Fund with respect to additional #floor area# to be added to a #building# or portion of a #building# located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(3);
 - (3) No additional building permit may be issued pursuant to Section 98-25, paragraph (a), with respect to a #development# or #enlargement# to be located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in such a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012.
- (d) Option to offer an additional #High Line# Support Easement Volume:
- (1) The owner, at its sole option, may elect to offer to the City an easement comprising up to 7,500 square feet of #floor area# within the #building# adjacent to the #High Line# and at the vicinity of the level of the #High Line bed# as an additional #High Line# Support Easement Volume by written notice to the Chairperson of the City Planning Commission, with a copy to the Commissioner of the Department of Parks and Recreation. Such written notice shall be delivered contemporaneously with the owner's first request for certification by the Chairperson, described in paragraph (a) of Section 98-25, that relates to a #building# or portion of a #building# within the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(3);
 - (2) If the owner elects to exercise such option, the owner shall provide an appraisal from an appraiser reasonably acceptable to the City who is a member of the American Institute of Real Estate Appraisers (or its successor organization) establishing the fair market value of the additional #High Line# Support Easement Volume to be so dedicated. The term "fair market value" shall mean the price at which such additional #High Line# Support Easement Volume would change hands between a willing buyer and a willing seller, both acting rationally, at arm's length, in an open and unrestricted market. The appraisal shall determine such fair market value of the additional #High Line# Support Easement Volume based on its highest and best as-of-right #uses#, valued in an unimproved core and shell physical condition (including any existing structural elements, such as the #building# wall separating the #High Line# from the additional easement volume) and considered unencumbered by any leases, mortgages or other matters that will be released or otherwise subordinate to the grant of such additional #High Line# Support Easement Volume to the City. The appraisal shall not assume that as-of-right #uses# of the additional #High Line# Support Easement Volume may enjoy any access to and from the #High Line#. Any other appraisal assumptions or instructions not set forth herein shall be subject to approval by the City.
 - (3) If such option is exercised by the owner, the City shall have up to 60 days from the delivery of the written notice described in paragraph (d)(1) of this Appendix F to irrevocably accept or decline the exercise of the option by written notice to the owner. If the City does not so accept or decline the option within said 60-day period, then the option shall be deemed declined and neither the City nor the owner shall have any further rights or obligations under this paragraph, (d), inclusive;
 - (4) If such option is exercised by the owner and accepted by the City, the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix F shall provide or shall be amended to include the additional #High Line# Support Easement Volume within the grant to the City, and the value of the additional #High Line# Support Easement Volume as set forth in the appraisal shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F;
 - (5) In the event that the City requests the owner to perform any work in conjunction with the dedication of the additional #High Line# Support Easement Volume and the owner agrees to perform such work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F. All costs of fitting-out, operating, maintaining, repairing and replacing the additional #High Line# Support Easement Volume shall be exclusively the

responsibility of the City and not the owner.



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 9 - Special Madison Avenue Preservation District (MP)

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Chapter 9 - Special Madison Avenue Preservation District (MP)

99-00 - GENERAL PURPOSES

LAST AMENDED
12/20/1973

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

- (a) to preserve and protect the unique character and architectural quality of Madison Avenue and its surrounding area;
- (b) to preserve and enhance street life by promoting specialty shops at street level;
- (c) to introduce amenities relating to the residential character of the area; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

99-01 - Definitions

LAST AMENDED
2/2/2011

Development

For purposes of this Chapter, a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement#.

Landmark building

A "landmark building" is any #building# designated as a landmark by the Landmarks Preservation Commission, pursuant to procedures set forth in Section 3020 of the New York City Charter and other applicable laws.

Style building

A "style building" is a #building# possessing an architectural style, as described in the Upper East Side Historic District Designation Report prepared by the New York City Landmarks Preservation Commission in 1981.

99-02 - General Provisions

LAST AMENDED
10/7/2021

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying

Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

99-03 - Special Use Regulations

LAST AMENDED

2/2/2011

In order to retain the existing *residential* and retail character of the area, *commercial* *uses* shall occupy at least the first *story* that has a floor level within five feet of *curb level*. Such *commercial* *uses* shall be limited to *uses* listed in Section [99-031](#) (Use Group MP). Notwithstanding the provisions of Article V, Chapter 2, *non-conforming* *uses* may only be changed to *uses* listed in Section [99-031](#). Such *commercial* *uses* shall occupy a minimum linear frontage of 75 percent of the frontage of a *zoning lot* on Madison Avenue, except that lots with a frontage of 100 feet or less on Madison Avenue may have a *commercial* frontage of less than 75 percent in order to provide a maximum 25 foot wide entrance to the *residential* portion of the *building*.

The mandatory *use* regulations of this Section may be modified for a *community facility*, pursuant to the certification provisions of Section [99-032](#) (Modifications of use regulations for a community facility).

99-031 - Use Group MP

LAST AMENDED

2/2/2011

Use Group MP comprises a group of *commercial* establishments selected to promote and strengthen the existing *commercial* character of the Special District. The *commercial* *uses* listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The *commercial* *uses* listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

A. Transient Accommodations

Hotels, transient, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels)

B. Retail or Service Establishments

Antique stores

Art galleries, commercial

Artist's supply stores

Bakeries, provided that *floor area* used for production shall be limited to 750 square feet per establishment

Banks (limited to 40 linear feet of *street* frontage)

Barber shops

Beauty shops

Bicycle sales

Book stores

Candy or ice cream stores

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

Cigar and tobacco stores

Clothing or clothing accessory stores

Clothing rental establishments

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no charge and no specified showtime

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores

Furniture stores, limited to 10,000 square feet of #floor area# per establishment

Furrier shops, custom

Gift shops

Hardware stores

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Laundry establishments, hand or automatic self-service

Leather goods or luggage stores

Loan offices (limited to 40 linear feet of #street# frontage)

Locksmith shops

Medical or orthopedic appliance stores

Meeting halls

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist establishments

Package liquor stores

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Post offices

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe or hat repair shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Stationery stores

Tailor or dressmaking shops, custom

Telegraph offices

Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of #floor area# per establishment

Toy stores

Travel bureaus

Typewriter stores

Variety stores, limited to 10,000 square feet of #floor area# per establishment

Wallpaper stores

Watch or clock stores or repair shops

C. Offices

*Offices, businesses, professional or governmental

D. Public Service Establishments|

*Court houses

*Clubs, non-commercial, without restrictions on activities or facilities

Table B

A. Retail or Service Establishments

*Blueprinting or photostatting establishments

*Business schools or colleges

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

*Catering

*Clothing or costume rental establishments

Department stores

*Depositories for storage of office records, microfilm, or computer tapes, or for data processing

Dry goods or fabric stores, with no limitation on #floor area# per establishment

Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels

Furniture stores, with no limitation on #floor area# per establishment

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

*Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Public auction rooms

*Radio or television studios

Studios, art, music, dancing or theatrical

Television, radio, phonograph, or household appliance stores, with no limitation on #floor area# per establishment

*Trade, or other schools for adults, not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare, or other objectionable effects

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

Variety stores, with no limitation on #floor area# per establishment

*Wedding chapels or banquet halls

B. Wholesale Establishments

*Hair products for headwear, wholesaling including styling

*Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

*Ship chandlers

*Wholesale establishments, with #accessory# storage limited to 2,500 square feet of #floor area# per establishment

*Wholesale offices or showrooms, with storage restricted to samples

C. Manufacturing Establishments

*Art needle work, hand weaving, or tapestries

*Books, hand binding or tooling

*Ceramic products, custom manufacturing

*Clothing, custom manufacturing or altering for retail

*Hair products, custom manufacturing

*Jewelry manufacturing from precious metals

*Medical, dental, drafting instruments, optical goods, or similar precision instruments

*Musical instruments, except pianos and organs

*Orthopedic or medical appliances, custom manufacturing

*Printing, custom, limited to 2,500 square feet of #floor area# per establishment for production

*Watch making

D. #Accessory# #uses#

#Uses# marked with an asterisk (*) shall not be located within #stories# that have a floor level within five feet of #curb level# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, and with no #show window# facing on the #street#

99-032 - Modifications of use regulations for a community facility

LAST AMENDED
2/2/2011

The mandatory #use# regulations of Section [99-03](#) (Special Use Regulations) may be modified for a #community facility# provided the City Planning Commission certifies that the treatment of the facade preserves and enhances street life on Madison Avenue compatible with the character of the surrounding area.

99-04 - Special Bulk Provisions

LAST AMENDED
10/7/2021

For the purposes of this Chapter, the maximum #floor area ratio# on a #zoning lot# shall not exceed 10.0. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

99-05 - Special Height and Setback Regulations

LAST AMENDED
5/12/1994

The height and setback regulations of Sections [23-63](#), [23-64](#), [23-65](#), [24-52](#), [24-53](#), [24-54](#), [33-43](#), [33-44](#) and [33-45](#) shall not apply. In lieu thereof, the height and setback regulations set forth in Sections [99-051](#) through [99-054](#), inclusive, shall apply.

99-051 - Location, height and setback of street wall

LAST AMENDED
2/2/2011

(a) #Street walls# along Madison Avenue

For #developments# or #enlarged# portions of #buildings# with frontage on Madison Avenue or on a side #street# within 50 feet of its intersection with Madison Avenue, the following regulations shall apply:

- (1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting# #building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base may be aligned with the #street wall# of the #abutting# #building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting building#. However, such setback distance shall not exceed 15 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:

(i) not less than 110 feet but not more than 120 feet above #curb level# ; or

(ii) the full height of the #building# ;

whichever is less.

(2) Above the base, a setback is required for all portions of a #building# which exceed a height of 120 feet above #curb level#. Such setback shall be provided at a height not lower than 110 feet above #curb level#, and shall have a minimum depth of 10 feet from a #wide# #street line# and a minimum depth of 15 feet from a #narrow# #street line#.

(3) No portion of a #building# may exceed the height limitations of Section [99-054](#) (Maximum building height).

(b) #Street walls# along side #streets#

For #developments# or #enlarged# portions of #buildings# with frontage on a side #street# beyond 50 feet of its intersection with Madison Avenue, the following regulations shall apply:

(1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting# #building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base shall be aligned with the #street wall# of the #abutting# #building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting# #building#. However, such setback distance need not exceed 10 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:

(i) a height of 60 feet above #curb level# ; or

(ii) the height of a #street wall# before setback, if applicable, of that portion of an existing #building# nearest the #development# or #enlargement#, fronting on the same #street line#, and located on the same or an adjoining #zoning lot# ;

whichever is higher.

(2) Alternatively, the #street wall# location provisions of paragraph (a) of this Section may apply to the base of a #building# along a side #street# beyond 50 feet of its intersection with Madison Avenue, up to a distance of 70 feet from its intersection with Madison Avenue.

(3) Above the base, a setback is required for all portions of a #building#. Such setback shall have a minimum depth of 10 feet from a #wide# #street line# and a minimum depth of 15 feet from a #narrow# #street line#.

(4) No portion of a #building# may exceed the height limitations of Section [99-054](#) (Maximum building height).

(c) #Street walls# in Historic Districts

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section shall be modified as follows:

(1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.

(2) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

99-052 - Recesses, balconies and dormers

LAST AMENDED

2/2/2011

(a) Recesses

Recesses are permitted to provide #outer courts#, balconies or articulation of #street walls# at the intersection of two #street lines#. In addition, recesses may be required or prohibited due to the width of the #zoning lot# or the location of the #street wall# of an adjacent #building#. For the purposes of this Section, the provisions of Section [23-842](#) (Wide outer courts) shall not apply. In lieu thereof, the width of any such #court# shall be at least one and one-third times its depth. All recesses shall be provided in accordance with the following provisions:

- (1) Above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, up to 30 percent of the #street wall# of a base may be recessed from the #street line#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#, unless such recesses are provided within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- (2) Where the #development# or #enlarged# portion of a #building# is adjacent to an existing #building# located on a #zoning lot# having frontage on the same #street line#, no recesses shall be provided in the #street wall# of the #development# or #enlargement# for a distance of 10 feet from the adjacent corner of the existing #building# to a height equal to the height of the existing #building#.
- (3) Except for a #zoning lot# with less than 50 feet of frontage, or a #zoning lot# with less than 100 feet of frontage and located entirely in a Historic District designated by the Landmarks Preservation Commission, recesses are required on the #street walls# of #buildings# facing Madison Avenue, in accordance with the following provisions:
 - (i) above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, at least 25 percent of the length of the #street wall# of a base at the level of every #story# shall be recessed from the #street line# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky; and
 - (ii) above the base, the #street wall# shall be articulated with recesses that occupy at least 20 percent of the length of the #street wall# at the level of every #story# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky.

(b) Balconies

Balconies shall comply with the following provisions:

- (1) No balconies shall be permitted to extend beyond the #street wall# of the base built in accordance with the height and setback regulations of Section [99-051](#) (Location, height and setback of street wall), paragraph (a).
- (2) Balconies shall be permitted in recesses that are not required to be unobstructed from their lowest level to the sky.

(c) Dormers

For the purposes of this Section, a dormer shall be a vertical extension of the #street wall# of a base allowed as a

permitted obstruction within a required setback area. A dormer may be located anywhere on a #wide street#, and on a #narrow street# within 70 feet of its intersection with a #wide street#. However, a dormer shall not be located within 10 feet of a #side lot line# unless it fully abuts an adjoining #building#.

On any #street# frontage, the aggregate width of all dormers at the required setback level shall not exceed 60 percent of the width of the #street wall# of the highest #story# of the base. For each foot of height above the base, the aggregate width of all dormers at that height shall be decreased by one percent of the #street wall# width of the highest #story# of the base.

99-053 - Special provisions for narrow buildings

LAST AMENDED
2/2/2011

If the width of a #street wall#, built pursuant to Section [99-051](#) or [99-052](#), is 45 feet or less, then the #building# shall comply with the provisions of Section [23-692](#) (Height limitations for narrow buildings or enlargements).

99-054 - Maximum building height

LAST AMENDED
2/2/2011

The height of all #buildings or other structures# shall comply with the following provisions:

- (a) Except as otherwise provided in paragraph (b) of this Section, the height of all #buildings or other structures# shall not exceed 170 feet above #curb level#. However, such #buildings or other structures# may exceed 170 feet, to a height of 19 #stories# or 210 feet, whichever is less, provided that the gross area of each #story# located above 170 feet does not exceed 80 percent of the gross area of the #story# directly below it.
- (b) For the purposes of this Section, the Midblock Transition Portion shall be that portion of a #zoning lot# located within the area between 70 feet and 100 feet from the Madison Avenue #street line#, except for a #zoning lot# which has frontage on a #wide street# not located in a historic district. Within the Midblock Transition Portion, a #building or other structure# shall not penetrate an imaginary plane that begins above a line 100 feet from the Madison Avenue #street line# at a height of 20 feet above the height of a #street wall# built pursuant to Section [99-051](#), paragraph (b), and rises over the Midblock Transition Portion to a height of 120 feet above #curb level# at a distance of 70 feet from the Madison Avenue #street line#.

99-06 - Off-street Parking Regulations

LAST AMENDED
5/8/2013

Within the portion of the #Special Madison Avenue District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Madison Avenue District#, the provisions of this Section shall apply.

Where #accessory# off-street parking is provided, in no case shall curb cuts for vehicular access be located on Madison Avenue or on a #street# within 50 feet of its intersection with the #street line# of Madison Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District.

99-07 - Authorization to Waive Midblock Transition Portion Height Limitation

LAST AMENDED

2/2/2011

For a #zoning lot# in the Upper East Side Historic District, which #zoning lot# also contains a #landmark building# or #style building# to be preserved or, where a #zoning lot# is not located in the Upper East Side Historic District and the #zoning lot# contains a #building# to be preserved which the Landmarks Preservation Commission has designated as a landmark or certifies in a report by the staff or the Commission to be comparable to a #style building#, the City Planning Commission may authorize the waiver of the requirements of Section [99-054](#) (Maximum building height), paragraph (b), provided the City Planning Commission finds that:

- (a) the #development# or #enlargement# complies with the goals and purposes of the #Special Madison Avenue Preservation District#, as specified in Section [99-00](#) (GENERAL PURPOSES);
- (b) the #development# or #enlargement# will not alter either the character of the neighborhood or the character sought to be achieved by the Special District;
- (c) the #development# or #enlargement# will have a harmonious relationship with the #building# to be preserved; and
- (d) the Landmarks Preservation Commission reports that a program for continued maintenance of the #building# to be preserved has been established.