Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-684 - Authorization for qualifying sites

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LAST AMENDED
8/9/2017

(a) Authorization to allow enlargements on qualifying sites

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may authorize modifications to the requirement in the definition of #qualifying site# in Section 81-613 to allow #enlargements# on #qualifying sites# to an existing #building# with frontage along a #wide street#. The Commission may also waive the requirement that such #qualifying site# provide publicly accessible space in accordance with the provisions of paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites). In order to permit such modifications, the Commission shall find that such #enlargement# includes significant renovations to the existing #building# that will bring it up to contemporary space standards.

Where the existing #building# includes #non-complying# #floor area#, a contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of such pre-existing #non-complying# #floor area#. For the purposes of such calculation, the amount of existing #non-complying# #floor area# shall not include any bonus #floor area# associated with a #publicly accessible open area# to remain on the #zoning lot#. The payment of the non-refundable contribution to the #Public Realm Improvement Fund#, shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing the #enlargement# on a #qualifying site#.

For such #enlargements# to #buildings# with #non-complying# #floor area#, the proposed #floor area# beyond the amount contained in the pre-existing #non-complying# #building# shall be obtained by utilizing the applicable provisions of Section 81-64. For the purposes of applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic maximum #floor area ratio#. However, the maximum #floor area ratios# of Row E and Row H shall continue to apply.

However, an alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

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.

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

(b) Authorization for a #qualifying site# providing publicly accessible space

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# on a #qualifying site# set forth in Section 81-64 and providing publicly accessible space, open or enclosed, pursuant to paragraph (b) of Section 81-681, the Commission may authorize the waiver of the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Retail Streets) and 81-671 (Special street wall requirements), requirements of Sections 81-42 (Retail Continuity Along Designated Streets) and 81-674 (Ground floor use provisions), the curb cut location restriction of paragraph (b) of

Section 81-675 (Curb cut restrictions and loading berth requirements), and the design requirements for publicly accessible space, open or enclosed, set forth in paragraph (b)(2) of Section 81-681.

In order to grant such authorization, the Commission shall find that such proposed waivers will result in a superior urban design relationship with surrounding #streets#, #buildings#, and other open areas, and;

(1) for waiver of #street wall# regulations:

(i) such waiver is necessary due to constraints or conditions of the configuration of the site; and

(ii) such waiver will not unduly obstruct the access to light and air of surrounding #buildings# and open spaces;

(2) for waivers of retail continuity and ground floor #use# provisions, such waivers are minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any publicly accessible space, open or enclosed;

(3) for waiver of the curb cut location restriction of paragraph (b) of Section 81-675, for a #qualifying site# on 47th Street between Park Avenue and Vanderbilt Avenue, that the proposed curb cut location will not unduly interrupt the flow of pedestrian traffic or result in any undue conflict between pedestrian and vehicular movement; and

(4) for modifications of the design requirements for a publicly accessible space, open or enclosed:

(i) the publicly accessible space and proposed #building# on the #qualifying site# are designed in a manner that results in a cohesive and harmonious site plan,

(ii) the publicly accessible space is superior in design and quality of amenities;

(iii) the publicly accessible space provides connections to pedestrian circulation spaces in the immediate vicinity;

(iv) the pedestrian network of the surrounding area is enhanced by the publicly accessible space; and

(v) such waiver is the minimum waiver necessary to afford relief. No modifications to the required amount of publicly accessible space set forth in paragraph (b) of Section 81-681 shall be permitted.

All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member, and the Manhattan Borough President. No authorization shall be granted prior to 60 days after such referral.

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