Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

134-40 - REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS

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134-40 - REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS

LAST AMENDED
5/27/2021

In the Southern Subdistrict, connections and open spaces shall be provided as set forth in this Section, inclusive.

(a) No building permit shall be issued by the Department of Buildings for a #development# or #enlargement# on a #building parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a site plan designating the location of any connection or open area required within or adjacent to such #building parcel# by Sections 134-41 through 134-44, has been approved by the Chairperson.

Notwithstanding the foregoing, the Chairperson shall allow for the phased development of such connections or open area within each #building parcel#, or portion thereof, upon certification to the Commissioner of Buildings that a site plan has been submitted that provides for the location of any connection or open space required by Sections 134-41 through 134-44, 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 a site plan indicating the area and dimensions of the connections and open area, or portions thereof, in the phase that is subject to the application, which shall demonstrate that:

(1) any partial connections and open areas are of sufficient length and width to provide adequate site access for the benefit of residents and workers in the phase to which they relate, as well as for the general public;

(2) the site plan is consistent with, and appropriate in relation to, any previously approved plan for other phases; and

(3) the site plan is consistent with the requirements set forth in this Section, inclusive.

(c) 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 connections and open areas, or portions thereof associated with such phase, are substantially complete in accordance with the site plan, and are useable by the public.

(d) No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# within a phase until the connections and open areas, or portions thereof associated with such phase, are fully complete in accordance with the site plan.

134-41 - Primary Connections

LAST AMENDED
5/27/2021

The Eastern Subarea shall be subdivided by #primary connections# within the flexible locations identified on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

#Primary connections# shall comply with the following requirements:

(a) a #primary connection# shall have a minimum width of 60 feet;

(b) a #primary connection# shall be open to the sky for its full length and width, except that awnings or canopies of less than 250 square feet per awning or canopy shall be permitted at #building# entrances. Awnings and canopies, and associated structural supports extending from the #street wall#, shall extend no farther than 15 feet, and shall be located not less than 15 feet above grade and no vertical supports shall be permitted;

(c) an unobstructed path having a width of at least 24 feet shall be provided for the full length of each #primary connection#. Such clear path shall be designed for pedestrian use, and may additionally be designed for, and crossed by, pathways for bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path; and

(d) #primary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public.

134-42 - Secondary Connections

LAST AMENDED

#Secondary connections# shall be provided in the locations identified on Map 3 (Secondary Connection Locations) in the Appendix to this Chapter. #Secondary connections# shall comply with the following requirements:

(a) one #secondary connection# shall be provided within each of the #building parcels# W-1 and E-2;

(b) one #secondary connection# shall be provided within #building parcel# E-3, except that where the #primary connections# abutting #building parcel# E-3 are less than 500 feet apart, the #secondary connection# may instead be provided within #building parcel# E-4;

(c) a #secondary connection# may be open, covered, enclosed, or some combination thereof;

(d) a #secondary connection# shall have a minimum width of 30 feet;

(e) any portion of a #secondary connection# that is enclosed or covered shall have a minimum clear height of 30 feet;

(f) an unobstructed path having a width of at least 12 feet shall be provided for the full length of each #secondary connection#. Such clear path shall permit pedestrian use, and may additionally permit bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path;

(g) open or covered #secondary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public. Enclosed #secondary connections# shall be open to the public at all times that the Open Space Subarea, other than the #esplanade#, is open to the

public; and

(h) signage shall be located at each point of entry to a #secondary connection# and shall state that the #secondary connection# is "OPEN TO THE PUBLIC," list its hours of operation, and include a public space symbol exactly matching the symbol provided in the Required Signage Symbols file on the Department of City Planning website.

134-43 - Yankee Pier Plaza

LAST AMENDED
5/27/2021

The Eastern Subarea shall include a public open area, within the location designated as #Yankee Pier Plaza# on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

Such plaza:

(a) shall have a minimum area of 25,000 square feet;

(b) shall provide connections between Yankee Pier, the Northern Subdistrict and portions of the Open Space Subarea north of the Eastern Subarea;

(c) shall be open to the public at all times that the Southern Subdistrict is open to the public;

(d) may have areas designed and designated for vehicular and pedestrian access; and

(e) may include stairs, ramps, planted areas, open or enclosed facilities for ferry passengers, kiosks containing no more than 250 square feet of #floor area#, ticket machines, information booths, temporary structures not exceeding one #story#, bicycle parking, #cellars#, and other amenities not containing #floor area#, as permitted obstructions.

134-44 - Other Open Areas

LAST AMENDED
5/27/2021

(a) Adjacent to #Yankee Pier Plaza#

Open areas between #Yankee Pier Plaza# and any wall of a #building# or open #commercial# #use# that is within 60 feet of #Yankee Pier Plaza# shall be provided as publicly accessible open area and subject to the requirements of paragraphs (c) through (e) of Section 134-43 (Yankee Pier Plaza).

(b) Adjacent to #primary connections#

Open areas between a #primary connection# and any wall of a #building# or open #commercial# #use# that is within 50 feet of such #primary connection# shall be provided as publicly accessible open areas, and shall be open to the public at all times that such adjoining

#primary connection# is open to the public. In addition, open areas beyond 50 feet of a #primary connection# may be provided as publicly accessible open areas. All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

(c) Adjacent to portions of the Open Space Subarea

Open areas located between a #building# or open #commercial# #uses# and the Open Space Subarea or an open area required by paragraph (d) of this Section, shall be provided as publicly accessible open areas, and shall be open to the public at all times that the adjoining portion of the Open Space Subarea is open to the public.

Where portions of such open areas are located beyond 50 feet of the Open Space Subarea or an open area required by paragraph (d), such portions may be provided as publicly accessible open areas.

All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

(d) Adjacent to the eastern #esplanade#

Within the Eastern Subarea, on all #building parcels#, an open area with a depth of 20 feet shall be provided along the entire portion of the #esplanade# which #abuts# the #building parcel#. This open area shall be provided as a publicly accessible widening of the #esplanade#, and shall be open to the public at all times that the Open Space Subarea is open to the public.

134-45 - Fences

LAST AMENDED
5/27/2021

Fences, where provided, shall be considered permitted obstructions within any of the connections or open spaces required by Section 134-40 (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive, provided they comply with the requirements of this Section:

(a) no fence shall be permitted within any clear circulation path required by Section 134-40, inclusive;

(b) within any required connection or open space, fences shall only be permitted:

(1) at the perimeter of recreation spaces, such as any playgrounds, tot lots, or dog runs, provided within such connection of open space; and

(2) along the boundary of an adjoining open #commercial# #use# or other private area;

(c) a fence shall have a maximum height of four feet measured from the adjoining grade level, and must be at least 70 percent open; and

(d) chain link fencing or barbed or razor wire fencing shall not be permitted.

The City Planning Commission may authorize modification of provisions of paragraphs (a) and (b) of this Section, upon a finding that such modification is necessary to facilitate site safety and operations, and does not adversely impact access to the required connection or open s[pace during operable hours. Fences which are permitted pursuant to this authorization may rise to a maximum height of five feet measured from the adjoining grade.

Any application to authorize modification of the provisions of paragraphs (a) and (b) of this Section shall be referred to the local Community Board. The Commission shall not grant such authorization

prior to forty-five (45) days following the referral.