74-84 - Developments With Existing Buildings
In C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the City Planning Commission may permit a zoning lot having a minimum area of 40,000 square feet or occupying an entire block to be developed to its maximum allowable bulk under applicable district regulations and any existing buildings to remain temporarily on that lot and may permit the floor area of any existing buildings to be excluded from computations determining such maximum allowable floor area, provided that each and every one of the following conditions are met:

(a) that existing buildings with unexpired leasehold interests are located upon such zoning lot;

(b) that all leases within the existing buildings must terminate within five years after the issuance of a special permit under this Section, and that no new leases or any lease renewals shall be entered into on any existing buildings or portion of such existing buildings;

(c) that the total floor area of all such existing buildings on the zoning lot is not greater than 20 percent of the maximum allowable floor area for that zoning lot;

(d) that demolition of all such existing buildings must commence within five years after the issuance of the special permit under this Section;

(e) that the portions of the zoning lot where existing buildings are located and are to be demolished shall be redeveloped according to the approved site plan; and

(f) that, until such time as demolition of all such existing buildings and completion of the approved site plans, floor area equal in amount to that which was located in such existing buildings, must be left unfinished and vacant in the new development; and a temporary certificate of occupancy, for the vacant space, shall remain in effect until all conditions in the special permit are satisfied.

The owner of the zoning lot shall submit a copy of all leases on any building or portion of any building on the zoning lot together with an opinion of counsel that the leases will terminate within five years.

All leases of such existing buildings or portions of buildings shall submit affidavits attesting to the expiration date of their leases together with an opinion of counsel that the lease will expire within
five years.

The owner of the zoning lot shall have prominently displayed on the front of all existing buildings a sign stating the date that the building is to be demolished.

As a further condition for the issuance of a permit under this Section, the owner of the zoning lot, upon which new development is to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel sufficient in amount to:

1. cover the cost of demolishing the existing buildings should the owner fail to so demolish within the prescribed time;

2. ensure that all floor area which is to be vacant in the new development shall remain unfinished and vacant; and

3. ensure that no new leases or lease renewals are entered into on any portion of any of the existing buildings.

The bonds or other securities shall be payable to The City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this Section, that the development shall result in improved circulation and would eliminate the undesirable preemption of ground level space by private buildings or other structures. In making this finding, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing buildings and the schedule of new development and other improvements on the zoning lot.

74-842 - Staged development of public or publicly assisted housing projects

LAST AMENDED
10/14/1971

In all Residence Districts except R9 and R10 Districts, in C1 or C2 Districts mapped within all such Residence Districts except R9 and R10 Districts, or in C1-6, C1-7 or C2-6 Districts, for a staged development of public, or publicly assisted housing projects, the City Planning Commission may permit any existing occupied building to remain temporarily on a zoning lot, and may authorize the applicable bulk regulations of the underlying districts to apply to the entire zoning lot without regard to the existence of such temporary building if the following conditions are met:

(a) that the entire zoning lot of such development is owned by the applicant;

(b) that the development plan for the project, showing compliance with all provisions of this
Resolution, has been approved by the Board of Estimate, or will be subject to Board of Estimate approval in conjunction with the application for a special permit under this Section;

(c) that the number of existing #dwelling units# temporarily retained on a #zoning lot# are no more than the number of new #dwelling units# approved for construction on such #zoning lot#;

(d) that no final certificate of occupancy shall be issued by the Department of Buildings for the new construction until all pre-existing #buildings# except those #buildings# which are to be retained in accordance with the approved development plan are vacated, demolished and their sites are redeveloped in accordance with the approved project plan;

(e) that the #use# of this staged #development# process, rather than a method of #development# requiring compliance with this Resolution, is necessary to expedite the construction of new housing and to alleviate the City's relocation housing problems; and

(f) that the final #development# complies with all the applicable regulations of the underlying districts of the Zoning Regulation.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the #block# and of the surrounding area resulting from the temporary non-conformity with the Resolution permitted pursuant to this Section.

74-843 - Preservation of existing buildings within certain developments containing open areas

LAST AMENDED
2/2/2011

In R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-9 or C2-8 Districts, for any #development# on a #zoning lot# which was all within single ownership on or before May 31, 1973, which contained a portion of its #zoning lot# mapped within an R8 District on or before May 31, 1973, which is located within the boundaries of Community Board 8 in the Borough of Manhattan, and which preserves and maintains existing on-site #residential buildings#, the City Planning Commission may grant, upon application resulting from joint efforts of a developer and on-site tenants, and after Community Board 8 has reviewed the architectural plans, a #floor area# bonus for public open area and relocation housing as set forth in this Section, and modify height and setback, #yards#, #courts# and distance between #buildings# regulations. The provisions of this Section shall not apply in any special purpose district, unless permitted by such special purpose district.

As a condition for granting a special permit for such #development#, the Commission shall make the
following findings:

(a) that the retention of existing #residential buildings# is essential to preserve the character of the neighborhood;

(b) that the existing #residential buildings# are suitable for rehabilitation;

(c) that no #residential# or #community facility building# existing prior to May 31, 1973, be demolished or residential tenants evicted, on a #narrow street#, if 50 percent or more of the #floor area# of such #building# is located beyond 125 feet from a #street# intersection;

(d) that the relocation practices followed by the developer on the entire #zoning lot# satisfy applicable governmental standards;

(e) that existing #buildings# or portions thereof contain #dwelling units# which will be available on a priority basis for occupancy by on-site tenants displaced by new construction or by rehabilitation after December 31, 1970, in accordance with an approved relocation, rehabilitation and continued maintenance program;

(f) that any outstanding eviction notices have been withdrawn;

(g) that on-site tenants have not been subject to harassment by intent or otherwise or where harassment has occurred, it has ceased as of the date of the application for the special permit hereunder;

(h) that the #dwelling units# that are reserved for such relocation housing shall comply with an approved rent schedule;

(i) that an agreement between the tenants and developers on the relocation plan has been reached which is satisfactory to two-thirds of the tenants on-site on the date of application for special permit hereunder;

(j) that the #development# provides a minimum of 30 percent of the #lot area# of the #zoning lot# as public open area at #curb level#. Where site conditions preclude open area at #curb level#, such open area shall not at any point be more than five feet above nor more than eight feet below #curb level# of the #street# providing primary access to such area. The public open area shall be preferably on the southerly side of the lot unobstructed from its lowest level to the sky except as set forth in this Section, and directly accessible to the public from an adjoining #street#. Access to such public open area shall be clearly visible from the #street#. The said area shall contain lighting, landscaping, planting, pedestrian ways and sitting areas and be maintained in accordance with reasonable standards. #Building# columns or similar elements may be permitted but the aggregate area of such elements may not exceed two percent of the total public open area. Driveways, off-street parking spaces and loading berths and balconies are not permitted within the public open area:

(1) for a #development# within 600 feet of a #public park# or playground having a minimum area of one acre, the minimum dimension of the public open area shall be
at least 30 feet; access to such public area shall be at least 25 feet wide at the street line and the clear width of the walkway for pedestrian traffic shall not be less than 20 feet. The public open area may include covered or arcaded areas, total area of which shall not exceed 20 percent of the required public open area. Such arcaded or covered areas shall have an average clear height of not less than 20 feet and a minimum clear height of 12 feet.

(2) for all other development pursuant to this Section, the minimum dimension of such public open area shall be 45 feet and have a minimum area of 4,500 square feet. The development shall also provide an arcade which abuts the street line along the short dimension of the block and extends along the full length of the building on such frontage. Such arcades and required setback areas which abut the street line along the short dimension of the block shall be included in meeting the 30 percent public open area requirements of this Section.

(k) that the finish of exterior walls of the existing building fronting on such public open area is compatible with the development and the public open area;

(l) that a roof area of development shall be landscaped for use by residential tenants and shall:

(1) be restricted to occupants of the residential portion and their guests for whom no admission or membership fees are charged;

(2) be directly accessible from a lobby or other public area served by the residential elevators;

(3) be landscaped, including trees or shrubbery, except where covered or developed with recreational facilities and seating areas; and

(4) contain not less than 2,500 square feet of continuous area open to the sky on a single level with a minimum dimension of not less than 40 feet.

(m) that the total development will result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets and surrounding developments;

(n) that the development will not have a negative environmental impact on the neighborhood or change the character of the neighborhood.

(o) that the basic floor area ratio for the zoning lot may be increased from 10.0 to 12.0 for complying with the provisions of this Section.

In determining the precise extent of the increase in the basic floor area ratio on a zoning lot from 10.0 to 12.0, the Commission shall, after consultation with Manhattan Community Board 8, balance the economic benefit received by the builder after deducting the cost of the following:

(1) the number of tenants relocated on and off site;
the number of units and cost of on-site renovation; and

the extent and period of years for which rent subsidies are provided over and above those required as relocation benefits under applicable governmental standards.

In no event shall a new #building# exceed 32 #stories# excluding the #basement# level.

No final certificate of occupancy shall be issued by the Department of Buildings for the new construction until the total #development# complies with the approved rehabilitation and relocation program.

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

### 74-844 - Preservation of community facility uses within certain developments containing public open areas

**LAST AMENDED**

2/2/2011

For any #development# on a #zoning lot# a portion of which, exceeding 50 percent, is located in an R9 District, in a C1 or C2 District mapped within an R9 District or in a C1-8 or C2-7 District, and the remaining portion of which is located in an R8 District, and which provides a new #community facility building# for an institution existing on the #zoning lot# prior to the #development# and which includes an open area for public use, the City Planning Commission may allow the zoning district regulations applicable to the #zoning lot# including, but not limited to, #bulk# and parking to be changed as set forth in this Section and may modify #yard#, height and setback, density and distance between #buildings# regulations in accordance with the provisions of this Section.

As a condition for granting a special permit for such #development#, the Commission shall find that:

(a) the provision of the new #community facility building# will result in the reinforcement or preservation of an existing church or house of worship, community center, #school#, library, museum, college or university which is essential to the character of the neighborhood and that such #community facility building# will be used only as a #community facility building#;

(b) such #community facility building# is free-standing and independent of any new #residential building# and contains floor space of at least 10,000 square feet and shall be located entirely on the R8 portion of the #zoning lot#; the height of the #community facility building# shall not exceed the greater of:

(1) a height of 20 feet greater than that of the nearest existing #building# in the adjacent R8 District; or

(2) 40 feet;

(c) the arrangement has been made for continuing maintenance of the #community facility
(d) The development provides a minimum of 25 percent of the lot area of the zoning lot as public open area at curb level. Where site conditions preclude open area at curb level, such open area shall at no point be more than three feet below curb level or six feet above curb level of the street providing primary access to such area. The public open area shall be unobstructed from its lowest level to the sky except as set forth in this Section, directly accessible to the public from an adjoining street and, if feasible, be located on the southerly side of the zoning lot. Entrance to such public open area shall be clearly visible from the street. The said area shall be developed with lighting, landscaping including planting of shrubs and trees, pedestrian ways and seating areas in accordance with plans approved by the Commission and shall be maintained in accordance with a maintenance program approved by the Commission. Building columns or similar elements may be permitted, but the aggregate area of such elements may not exceed two percent of the total public area. Driveways, off-street parking spaces and loading berths are not permitted within the public open area.

A portion of the open area shall be developed as a park area concentrated in one location and having a minimum dimension of 45 feet and a minimum area of 4,500 square feet. The park area shall be accessible to the public from 9:00 a.m. to 9:00 p.m. each day from May 1 to September 30 and from 9:00 a.m. to 6:00 p.m. each day from October 1 to April 30, and such hours shall be posted on a sign that is plainly visible from the sidewalk adjoining the principal entrance to the park. In addition to the 4,500 square feet of park area, in meeting the 25 percent public open area requirements of this Section, the development may provide a non-bonusable public plaza, arcade or sidewalk continuation area; and

(e) Any bulk modifications granted will result in satisfactory site planning and satisfactory urban design relationships of buildings within the development to adjacent streets and surrounding developments.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area. The zoning lot containing such development shall be subject to all the regulations applicable to a C1-9 District subject to the provisions of any special purpose district within which the zoning lot is located, except that the maximum permitted floor area ratio shall be 11.0. The floor area bonus provision for public plazas or arcades shall not apply. The accessory off-street parking requirements of Section 36-33 shall be 20 percent.

At any level at which a building within the development penetrates an established sky exposure plane, such building shall not, in the aggregate, occupy more than 45 percent of the lot area of the zoning lot.

Notwithstanding any other provision of the Zoning Resolution, the community facility portion of the development may be conveyed by deed, lease or otherwise to the institution operating the community facility building and, for the purposes of this development, such conveyance shall be deemed not to alter the single zoning lot status of the zoning lot containing the total development authorized under this Section. In no event shall the floor area of the total building;
#development#, including the #community facility# portion, exceed a #floor area ratio# of 11.0.