Zoning Resolution

THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Marisa Lago, Chair

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

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(f) that any outstanding eviction notices have been withdrawn;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

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 building 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.

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;

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;

(2) the number of units and cost of on-site renovation; and

(3) 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.