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

(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 development, including the community facility portion, exceed a floor area ratio of 11.0.