



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

91-83 - Retail Uses Within Existing Arcades

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91-83 - Retail Uses Within Existing Arcades

LAST AMENDED

6/21/2016

A horizontal #enlargement# of the ground floor and second floor levels within an #arcade# located within Area A on Map 9 in Appendix A of this Chapter may be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that such #enlargement# complies with the provisions of this Section, and the following conditions are met:

- (a) the horizontal #enlargement# meets the requirements of Section [91-831](#) (Ground floor requirements);
- (b) a compensating amenity is provided pursuant to the provisions of Section [91-832](#) for plaza improvements, Section [91-834](#) for indoor public spaces, or Section [91-835](#) for alternative improvements; and
- (c) the additional requirements of Section [91-836](#), as applicable.

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section [91-835](#), an improvement to all #publicly accessible open areas# pursuant to the provisions of Section [91-832](#) shall be required as the compensating amenity required by condition (b) of this Section, and a certification for design changes pursuant to Section [37-625](#) shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section [37-625](#) that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to this Section or a prior authorization pursuant to Section [91-841](#) (Authorization for retail uses within existing arcades) may satisfy the requirements of condition (b) of this Section for a compensating amenity.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an #arcade# that did not generate a #floor area# bonus prior to June 21, 2016. The provisions of Section [91-831](#) (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an #arcade#, and such #enlargement# shall not occupy any #publicly accessible open area#. The locational requirements of paragraph (a)(1) of Section [91-831](#) and the frontage prohibitions of paragraph (b)(1)(ii) of Section [91-831](#) shall apply to such #enlargement#. Where an #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section [91-831](#) for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section [91-85](#) shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to this Section and Section [91-837](#) (Subsequent design changes) and prior authorizations pursuant to Section [91-841](#) shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the #arcade# remains open and accessible, such remaining #arcade# area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such #arcade# area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section [91-831](#) may apply.

91-831 - Ground floor requirements

The provisions of this Section shall apply to the #street wall# of the ground floor and second floor level #enlargement#. For the purposes of this Section, a #building# wall that faces a #publicly accessible open area# or #through block arcade# shall also be considered a #street wall#, and the provisions of this Section for new #building# walls fronting on a #publicly accessible open area# shall also apply to new #building# walls fronting on a #through block arcade#, except as otherwise specified. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section [91-842](#) (Authorization to modify design requirements).

(a) Location of #enlargement#

(1) Location of new #building# walls

All new #building# walls shall extend to the full height of the #arcade#. New #building# walls may only be located between the column face closest to an existing #street wall# and the column face furthest from an existing #street wall# or the #street wall# location of the floor above, except that new #building# walls within an existing #through block arcade# that do not face a #street# may extend past the column face furthest from the existing #street wall# provided that the standards for #through block arcades# set forth in Section [12-10](#) (DEFINITIONS) and all other provisions of this Section are met. New #building# walls within an existing #through block arcade# that do not face a #street# shall not be required to extend for the full height of the #through block arcade#.

(2) Length of new #building# walls

An #enlargement# shall extend for the full length of the #street wall#, except for the locations specified on Map 9 in Appendix A of this Chapter and except if a corner #arcade# that adjoins the Water Street #street line# and another #street line# or #publicly accessible open area# is provided in accordance with the provisions of paragraph (c) of Section [37-53](#) (Design Standards for Pedestrian Circulation Spaces) which may provide a clear path 10 feet wide. However, an #enlargement# shall not be required along the length of the #street wall# occupied by an existing parking or loading entrance. Where an #enlargement# within an #arcade# extends along two or more #street walls#, the #enlargement# shall also include the area where the #arcade# areas intersect, except as otherwise provided in this Section, and the location of new #building# walls in such area shall be subject to the provisions of paragraph (a)(1) of this Section.

(b) Permitted #uses# within an #enlargement#

(1) Requirements for all frontages

(i) Retail #uses#

The #street# frontage or frontage along a #publicly accessible open area# of the #enlarged# portion of the ground floor level shall be allocated exclusively to indoor public spaces that are provided in accordance with the provisions of Section [91-834](#) or the #uses# permitted by Sections [91-111](#) (Additional uses in C5 Districts) and [91-12](#) (Uses on Designated Retail Streets), except that Use Groups 5A, 7A, 7B, 8B, 9A, 10A, 12A, 12B, or 12C shall not be permitted. However, bicycle rental or repair shops and studios for art, music, dancing or theater shall be permitted. #Residential uses# shall be limited to lobbies permitted by paragraph (c)(2) of this Section.

All #uses# permitted by this paragraph shall occupy a height no less than that of the ground floor level, and shall occupy a depth no less than that of the #enlargement#.

(ii) Parking, loading and mechanical equipment

No garage entrances, driveways, parking spaces or loading berths shall be permitted within an #enlargement#. No exhaust vents or mechanical equipment shall be permitted on any new #building# wall unless such exhaust vents are more than 15 feet above the level of the curb.

(iii) Maximum #street wall# width

On the ground floor portion of an #enlargement# for the following Use Group 6 #uses#: the maximum #street wall# width of a bank or loan office shall not exceed 30 feet; and the maximum #street wall# width of a drug store shall not exceed 50 feet.

(2) Additional #use# requirement for a #publicly accessible open area# or #through block arcade#

At least 50 percent of the total frontage of all new #building# walls fronting on a #publicly accessible open area# or #through block arcade#, excluding such frontage occupied by #building# lobbies, shall be occupied by retail or service establishments permitted by paragraph (b)(1) of this Section. As an alternative, the amount of frontage required by this paragraph for occupancy by retail or service establishments may be partially or fully located along existing #building# walls fronting on the #publicly accessible open area# or #through block arcade# and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage.

Libraries, museums and art galleries are permitted #uses# that may front on a #publicly accessible open area#. Banks shall not be a permitted #use# on any #publicly accessible open area# or #through block arcade#. #Uses# required by this paragraph shall be directly accessible from the #publicly accessible open area# or #through block arcade#.

(c) Frontage

(1) Number of establishments

Along the longest #street wall# of the ground floor level #enlargement#, at least two establishments permitted by paragraph (b) of this Section shall be provided on the ground floor level. Frontage that is solely dedicated to access a #use# on a level other than the ground floor level shall not constitute an establishment for the purposes of this paragraph.

(2) Access, entrances and lobbies

The #street wall# frontage of an #enlarged# portion of the ground floor level may be occupied by the #primary entrance# for the principal #use# of the #building#, provided that such #primary entrance# shall not exceed a #street wall# width of 50 feet along Water Street, or, along other #streets#, a #street wall# width of 40 feet, or 25 percent of the #aggregate width of street wall# along such #street# frontage, whichever is less.

For a #primary entrance# that fronts on a #publicly accessible open area#, such entrance shall occupy a minimum frontage length of 20 feet or a length equal to the distance between the two closest columns adjacent to the #publicly accessible open area#, whichever is less. A #primary entrance# for the principal #use# of the #building# may be located along a #through block arcade# or indoor public space provided in accordance with Section [91-834](#) (Indoor public spaces), but may only occupy a maximum frontage length of 25 feet.

Where more than 50 percent of the length of the #enlargement# is occupied by a #primary entrance# permitted by this paragraph, retail or service establishments with an aggregate frontage length equal to at least 50 percent

of the length of the #enlargement# shall be required along new or existing #building# walls along the same #street# frontage as the #enlargement#, and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage along existing #building# walls.

(3) Transparency and flood resilience

The ground floor level #street wall# between existing columns shall be glazed with transparent materials, which may include #show windows#, transom windows or glazed portions of doors, except for certain #uses# set forth in Section [37-31](#) (Applicability). Such transparent materials shall occupy at least 70 percent of the surface area of such ground floor level #street wall# between a height above grade of two feet and 14 feet or the height of the ground floor ceiling, whichever is lower.

Where the #use# located within the ground floor level #enlargement# fronts on an #arcade# that remains open and accessible, the length of such frontage shall be glazed with transparent materials in accordance with the provisions of this paragraph.

Permanent fixtures for temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter and are affixed to a column may obstruct any transparent portion of a new #building# wall. Such permanent fixtures may be considered a transparent portion of a new #building# wall. Additionally, such permanent fixtures shall be encased in a decorative material. Temporary flood control devices and associated emergency egress systems shall be permitted in front of any new #building# wall for a reasonable period of time prior to and after a storm event, as determined by the Department of Buildings.

91-832 - Plaza improvements

LAST AMENDED
6/21/2016

A #publicly accessible open area# shall be improved in full accordance with the provisions of Section [37-70](#) (PUBLIC PLAZAS) as modified by this Section, and as further modified by Section [91-833](#) (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# with a maximum depth of less than 40 feet, as measured perpendicular to any #street line#. Subsequent design changes to any #publicly accessible open area# improved pursuant to the provisions of such Sections may only be permitted pursuant to Section [91-837](#). The City Planning Commission may authorize a modification of the provisions of this Section and Section [91-833](#) pursuant to Section [91-842](#) (Authorization to modify design requirements).

- (a) For the purposes of applying the provisions of this Section, any portion of the #publicly accessible open area# occupied by a garage entrance, driveway, loading berth or gratings for electrical vaults may be excluded from the calculation of the total area or total #street# frontage of the #publicly accessible open area#. Such area shall remain open and accessible to the public at all times.
- (b) The area dimension requirements of Section [37-712](#), the locational restrictions of Section [37-713](#), the orientation restrictions of Section [37-714](#) and the requirements for major and minor portions of #public plazas# set forth in Sections [37-715](#) and [37-716](#), respectively, shall not apply.
- (c) The #through block public plaza# provisions of Section [37-717](#) that require a setback along any #building# wall or walls that adjoin a #through block public plaza# or through #block# portion of a #publicly accessible open area# shall not apply.
- (d) The sidewalk frontage provisions of Section [37-721](#) shall be modified as follows:

- (1) the requirements of paragraph (a) may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain, provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, #arcade# or other portion of the #publicly accessible open area#.
 - (2) paragraph (b) shall be modified to allow planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of this Section to be located in such area.
 - (3) for #corner public plazas#, where there is a change in elevation permitted by paragraph (e) of this Section for the area within 15 feet of the intersection of any two or more #streets# on which the #publicly accessible open area# fronts, such area shall not be required to be at the same elevation as the adjoining public sidewalk, but must be free of obstructions except as may otherwise be provided in paragraph (d)(1) of this Section.
- (e) The provisions of Section [37-722](#) (Level of plaza) shall be modified to permit any elevation of the #publicly accessible open area# existing on June 21, 2016, to remain.
- (f) The provisions of Section [37-726](#) (Permitted obstructions) shall be modified as follows:
- (1) paragraph (c) shall allow awnings above retail and service establishments that do not project into the #publicly accessible open area# more than three feet when measured perpendicular to the #building# facade. There shall be no limitation on the area or height of an awning, but in no event shall an awning for a retail or service establishment contain vertical supports.
 - (2) paragraph (d) shall allow garage entrances, driveways or loading berths fronting on a #publicly accessible open area# and existing on June 21, 2016, to remain, provided that they are separated from the remainder of the #publicly accessible open area# by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #publicly accessible open area#. A #building# trash storage facility may be accessed or serviced through the portion of a #publicly accessible open area# that is occupied by a garage entrance, driveway or loading berth.
- (g) The provisions of Section [37-742](#) (Planting and trees) may be modified where the Chairperson of the City Planning Commission has been provided with documentation sufficient to establish that subsurface conditions do not allow the required soil depth for shrubs or trees to be provided below-grade or within a planter with bounding walls no higher than 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall of such planter adjoins two or more walking surfaces with different elevations. A raised planter may be provided with bounding walls up to three feet for shrubs, or 3 feet, 6 inches for trees, provided that fixed seating with backs is integrated into the planter for at least 50 percent of the perimeter of the planter that is adjacent to a walking surface. If such planter, or any portion thereof, is located within ten feet of a #street line#, fixed seating with backs shall be integrated into at least 75 percent of the perimeter of the planter that is adjacent to a walking surface. Where it is demonstrated that no required trees can be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, the Chairperson may allow all trees to be planted within raised planters.
- (h) The calculation of the minimum number of entry plaques required by paragraph (a) of Section [37-751](#) (Public space signage systems) may be modified for #publicly accessible open areas# that occupy more than one #street# frontage to alternatively require a minimum of one entry plaque at each #street# frontage of the #publicly accessible open area#, and to further require one additional entry plaque at each #street# frontage that measures 80 feet or more in length.
- (i) The provisions of paragraphs (a) and (d) of Section [37-753](#) (Accessory signs) shall not apply. Each establishment fronting on the #publicly accessible open area# shall be permitted to have one or more #signs# with an aggregate area not to exceed the product of 12 square feet and the length of the establishment along the #publicly accessible open area# in linear feet, divided by 40 linear feet. In no event shall a #sign# exceed 16 square feet in area. #Signs# may be affixed to the

#building# wall or to awnings, or may project no more than 18 inches when measured perpendicular to the #building# facade, provided that such #sign# is located a minimum of 10 feet above the level of the #publicly accessible open area#.

- (j) The provisions of paragraphs (a) and (b) of Section [37-76](#) (Mandatory Allocation of Frontages for Permitted Uses) shall not apply. The provisions of Section [91-831](#) (Ground floor requirements) shall apply to all new #building# walls fronting on the #publicly accessible open area#, and the following shall also apply:
- (1) the #use# requirements of paragraph (b)(1) of Section [91-831](#) shall apply to all new establishments located along existing #building# walls fronting on a #publicly accessible open area#; and
 - (2) the provisions of paragraph (c) of Section [37-76](#) for existing #building# walls that are non-transparent shall apply except for frontage occupied by active loading and parking entrances.
- (k) The provisions of Section [37-78](#) (Compliance) shall be modified as follows:
- (1) paragraph (a) shall be modified to provide that no permit shall be issued by the Department of Buildings for any change to a #publicly accessible open area# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of this Section and Sections [91-833](#) or [91-837](#), as applicable; and
 - (2) paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section [37-70](#) as modified by this Section and, as applicable, Section [91-833](#), and that such report shall also be provided to the local Council Member.

91-833 - Special regulations for plazas less than 40 feet in depth

LAST AMENDED
6/21/2016

A #publicly accessible open area# with a maximum depth less than 40 feet measured perpendicular to any #street line# shall be improved in full accordance with the provisions of Section [37-70](#) (PUBLIC PLAZAS) as modified by Section [91-832](#) (Plaza improvements) and as further modified by this Section. Where a #publicly accessible open area# may be considered a #corner public plaza#, the maximum depth shall be measured from a #street line# to a #street wall#. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section [91-842](#) (Authorization to modify design requirements).

- (a) The provisions of Section [37-721](#) (Sidewalk frontage) shall not apply. In lieu thereof, the provisions of this paragraph (a) shall apply to the area of the #publicly accessible open area# located within 10 feet of a #street line# or sidewalk widening line.
- (1) At least 40 percent of such area shall be free of obstructions and, in addition:
 - (i) to facilitate pedestrian access at least 40 percent of the frontage along each #street line# or sidewalk widening line of the #publicly accessible open area# shall be free of obstructions; and
 - (ii) such unobstructed access area shall extend to a depth of 10 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

The requirement of this paragraph for unobstructed access may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are

accessible from a #street#, #arcade# or other portion of the #publicly accessible open area#.

- (2) In the remaining 60 percent or more of such area, the provisions of paragraph (b) of Section [37-721](#) shall apply, except that no more than 40 continuous linear feet of any #street# frontage occupied by a #publicly accessible open area# may be obstructed. Furthermore, planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of Section [91-832](#) may be located in such area.
 - (3) For #corner public plazas#, the requirements of this paragraph (a) shall apply separately to each #street# frontage, and the area within 10 feet of the intersection of any #street# and Water Street or Wall Street shall be at the same elevation as the adjoining public sidewalk, except where there is a change in elevation permitted by paragraph (e) of Section [91-832](#), and such area shall be free of obstructions except as may otherwise be provided in paragraph (a)(1) of this Section.
- (b) The provisions of Section [37-723](#) (Circulation paths) shall be modified so that the required circulation path of at least eight feet clear width shall be located adjacent to the #street wall# and shall extend for at least 80 percent of the length of such #street wall#. Where there are multiple #street walls#, the provisions of this paragraph shall apply separately to each frontage. In addition to the obstructions that are permitted within circulation paths, moveable tables and chairs, fixed seating and planting beds not exceeding six inches above any adjacent walking surface shall also be considered permitted obstructions provided that an unobstructed path of at least five feet wide is provided.
- Where an open air cafe pursuant to Section [37-73](#) (Kiosks and Open Air Cafes) is provided adjacent to a #building# wall, such open air cafe may occupy a portion of the required circulation path provided that there is an unobstructed clear path of at least six feet wide between the #building# wall and any furnishings of the open air cafe. The unobstructed path shall be included in the calculation of the area occupied by the open air cafe.
- (c) The provisions of Section [37-741](#) (Seating) that require seating within 15 feet of the #street line# shall not apply to #street# frontages that measure less than 40 feet in length.
 - (d) The provisions of Section [37-742](#) (Planting and trees) shall be further modified as follows:
 - (1) For #publicly accessible open areas# with an area less than 2,000 square feet, the number of required trees shall be reduced to two, and only one tree shall be required to be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, except as may be modified by paragraph (g) of Section [91-832](#).
 - (2) The total area of required planting beds may not be concentrated within one continuous planter or planting bed, except when a #publicly accessible open area# has an area of 1,000 square feet or less.
 - (e) The provisions of Section [37-746](#) (Drinking fountains) shall be modified to require only #publicly accessible open areas# containing an area of 2,000 square feet or more to provide a minimum of one drinking fountain.

91-834 - Indoor public spaces

LAST AMENDED
6/21/2016

Indoor public spaces are enclosed, climate-controlled areas on a #zoning lot# intended for public use and enjoyment. The standards contained within this Section are intended to serve the same purposes outlined for #public plazas# in Section [37-70](#). The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section [91-842](#) (Authorization to modify design requirements).

- (a) Indoor public spaces shall contain an area of not less than 2,000 square feet and have a minimum width and depth, at any

point, of 20 feet. Indoor public spaces shall be located on the ground floor level, shall be directly accessible from all #streets# or #publicly accessible open areas# that the space fronts, and shall extend, at a minimum, for the full height of the ground floor level.

- (b) Indoor public spaces shall be fully enclosed, and the transparency requirements of paragraph (c) of Section [91-831](#) (Ground floor requirements) shall apply to all #street walls# or #building# walls facing a #publicly accessible open area#. The space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least equal to those of the lobby for the principal #use# of the #building#.
- (c) Public access to the indoor public space shall be provided, at a minimum, between the hours of 6:00 a.m. to 12:00 a.m. The hours of access shall be included on all required entry plaques and information plaques in accordance with the provisions of Section [37-751](#) (Public space signage systems) and paragraph (i) of this Section.
- (d) The provisions of Sections [37-718](#) (Paving), [37-722](#) (Level of plaza), [37-728](#) (Standards of accessibility for persons with disabilities), [37-744](#) (Litter receptacles), [37-745](#) (Bicycle parking), [37-746](#) (Drinking fountains), [37-748](#) (Additional amenities), [37-752](#) (Prohibition signs), [37-753](#) (Accessory signs) and [37-77](#) (Maintenance) shall apply.
- (e) The provisions of Section [37-723](#) (Circulation paths) for #through block public plazas# shall apply to #through block arcades# except as otherwise provided in Section [91-821](#) (Certification for outdoor cafes within arcades) when a cafe is provided. Trees planted flush-to-grade that measure less than four caliper inches at the time of planting, as permitted by paragraph (h) of this Section, shall not be considered permitted obstructions within circulation paths.
- (f) The provisions of paragraphs (a) and (b) of Section [37-726](#) (Permitted obstructions) shall apply. A kiosk shall be a permitted obstruction provided that the requirements of paragraph (a) of Section [37-73](#) (Kiosks and Open Air Cafes) are met. A certification pursuant to Section [37-73](#) shall not be required to locate a kiosk within an indoor public space. A cafe permitted by certification pursuant to Section [91-821](#) shall be considered a permitted obstruction within an indoor public space and may not occupy more than 20 percent of the indoor public space area.
- (g) The provisions of Section [37-741](#) for seating shall apply, except as modified as follows:
 - (1) The requirements for seating within 15 feet of a #street line# shall not apply.
 - (2) All of the linear seating capacity may be in moveable seats. Any moveable seats that are provided must remain in the indoor public space during the hours of operation.
 - (3) The requirement that seats that face walls must be a minimum of six feet from such wall shall only apply to fixed seating.
- (h) The requirements of Section [37-742](#) for planting and trees shall apply, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.
- (i) Public space signage shall be provided in accordance with the provisions of Section [37-751](#), except as modified as follows:
 - (1) An information plaque shall be provided at each point of pedestrian entry to the indoor public space. Information plaques for #through block arcades# shall also include lettering stating "PUBLIC ACCESS TO ____ STREET" indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol. Furthermore, a minimum of one additional information plaque shall be provided within the indoor public space.
 - (2) Paragraph (c) shall not apply.

- (j) All indoor public spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of Section [37-743](#) for a lighting schedule, a diagram of light level distribution and electrical power shall apply.
- (k) The ~~use~~ requirements of paragraph (b) and the lobby requirements of paragraph (c)(2) of Section [91-831](#) shall apply to all ~~building~~ walls fronting on an indoor public space that do not face a ~~street~~ or ~~publicly accessible open area~~. The provisions of paragraph (c) of Section [37-76](#) for new or existing ~~building~~ walls that are non-transparent shall apply.
- (l) The provisions of Section [37-78](#) (Compliance) shall be modified as follows:
 - (1) paragraph (a) shall not apply; and
 - (2) paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section [37-70](#) as modified by this Section, and that such report shall also be provided to the local Council Member.

Subsequent design changes to any indoor public space that was subject to the provisions of this Section may only be permitted pursuant to Section [91-837](#) (Subsequent design changes).

91-835 - Alternative improvements

LAST AMENDED
6/21/2016

A permanent amenity other than the improvement of an existing ~~publicly accessible open area~~ pursuant to the provisions of Section [91-832](#) or the provision of an indoor public space pursuant to the provisions of Section [91-834](#) may be provided for the properties listed in this Section. The City Planning Commission may authorize an improvement not listed in this Section pursuant to Section [91-843](#) (Authorization to modify requirements for alternative improvements).

Building Address	Required Alternative Improvement
175 Water Street	Area C on Map 9 in Appendix A of this Chapter, the open area along John Street and the open area along Front Street with a minimum depth of 15 feet measured perpendicular to the Front Street street line shall be improved in accordance with the provisions of Sections 91-832 and 91-833. Such open area and remaining arcade area shall be considered one contiguous public space and shall be accessible to the public at all times.
100 Wall Street	Maintenance of Manahatta Park between Water Street and Front Street for the life of the building .

110 Wall Street	Maintenance of Manahatta Park between Front Street and South Street for the life of the #building#.
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91-836 - Additional requirements

LAST AMENDED
6/21/2016

(a) Legal requirements

All plans for #arcades#, #publicly accessible open areas#, required open areas, and indoor public spaces that are the subject of a certification pursuant to Section [91-83](#) (Retail Uses Within Existing Arcades) shall be filed and duly recorded in the New York County Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson of the City Planning Commission, providing notice of the certification pursuant to Section [91-83](#). The filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where compensating amenity required by condition (b) of Section [91-83](#) is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for such #enlargement# until the compensating amenity has been substantially completed in accordance with the approved plans, as certified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section [91-835](#) (Alternative improvements), the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Chairperson, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Modifications to the declaration required by this paragraph may only be allowed upon approval by the Chairperson.

(b) Existing approvals by the Board of Standards and Appeals

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the application pursuant to Section [91-83](#) shall be referred for thirty (30) days to the Board of Standards and Appeals who shall certify to the Department of City Planning whether such application would not result in a departure from the findings and conditions specified in the original approval.

(c) Community Board review

No earlier than the date on which the application for certification pursuant to Section [91-83](#) is filed, a copy of the application shall be submitted by the applicant to the affected Community Board and local Council Member for 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

91-837 - Subsequent design changes

LAST AMENDED

6/21/2016

Design changes to any #publicly accessible open area#, required open area or indoor public space previously improved pursuant to the provisions of Sections [91-832](#) (Plaza improvements) or [91-834](#) (Indoor public spaces) may only be made upon certification by the Chairperson of the City Planning Commission that such changes would result in a #publicly accessible open area# or indoor public space that is compliant with the Section under which it was previously approved. As part of the certification, a horizontal #enlargement# on the ground floor level may be permitted along existing #building# walls that face the #publicly accessible open area# and do not face an #arcade#, but such #enlargement# shall not occupy any #publicly accessible open area#. The locational requirements of paragraph (a)(1) of Section [91-831](#) (Ground floor requirements) and the #use# and transparency requirements of Section [91-831](#) for new #building# walls facing a #publicly accessible open area# shall apply. The legal requirements of paragraph (a) of Section [91-836](#) shall apply.