



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

91-841 - Authorization for retail uses within existing arcades

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LAST AMENDED

6/21/2016

The City Planning Commission may authorize a horizontal #enlargement# of the ground floor and second floor levels within an #arcade# located within Area B on Map 9 in Appendix A of this Chapter. In order to grant an authorization, the Commission shall find that:

- (a) the requirements of Section [91-831](#) (Ground floor requirements) are met;
- (b) a compensating amenity is provided pursuant to the provisions of Section [91-832](#) for plazas, Section [91-834](#) for indoor public spaces or Section [91-835](#) for alternative improvements;
- (c) sufficient unobstructed space exists adjacent to the proposed #enlargement# to facilitate pedestrian circulation; and
- (d) the #enlargement# will maintain a visual or physical connection to Water Street from another #street#, #public park# or #publicly accessible open area#.

As part of the authorization, the Commission may modify the requirements for the location of new #building# walls of paragraph (a) of Section [91-831](#) (Ground floor requirements).

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 finding (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 Section [91-83](#) (Retail Uses Within Existing Arcades) or a prior authorization pursuant to this Section may satisfy the requirement of finding (b) of this Section for a compensating amenity.

As part of the authorization, 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 authorization, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an #arcade#. 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 the #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 Sections [91-83](#) and [91-837](#) (Subsequent design changes) and prior authorizations pursuant to this Section 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.

All plans for #arcades#, #publicly accessible open areas#, required open areas and indoor public spaces, once authorized, shall be filed and duly recorded in the Borough 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 Commission, providing notice of the authorization pursuant to this Section. The filing and recording of such instrument shall be a precondition to the issuance of a building permit. 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 a compensating amenity required by paragraph (b) of this Section is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for any #enlargement# unless and until the compensating amenity has been substantially completed in accordance with the approved plans, as verified 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 applicable legal requirements of Section [91-836](#) (Additional requirements) shall apply.

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the requirements of paragraph (b) Section [91-836](#) shall apply.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.