Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

104-42 - Open Areas

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104-42 - Open Areas

LAST AMENDED
12/19/2007

All mandatory open areas as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter and all open areas adjacent thereto up to the #street wall# required pursuant to the provisions of Section 104-33 (Mandatory Street Walls) shall comply with the urban design regulations of Sections 104-42 through 104-43, inclusive, and shall be open and unobstructed except as specified.

104-421 - Mandatory widened sidewalks and adjacent areas

LAST AMENDED
12/19/2007

(a) Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter specifies the locations of #mandatory widened sidewalks#. The depth of such #mandatory widened sidewalks# shall be as indicated on Map 3 and specified in this Section, and shall be measured perpendicular to the #street line#. #Mandatory widened sidewalks# shall be constructed at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. The portions of all #mandatory widened sidewalks# used for pedestrian circulation shall be improved as sidewalks to Department of Transportation standards.

(b) Within #mandatory widened sidewalks#, landscaping and other amenities shall be permitted. #Mandatory widened sidewalks# shall be considered #streets# for the purposes of applying the provisions of the New York City Building Code governing cornices, eaves, sills and other architectural elements that project over #streets#. However, no fences shall be permitted, no

planters shall be higher than two feet above the finished level of the adjacent sidewalk, and all trees shall be planted flush to grade.

(c) Adjacent area at grade between #lower street wall# and sidewalk

Where the #lower street wall#, or the #street wall# if no #lower street wall# is required, is set back from the #mandatory widened sidewalk line# or the #street line#, whichever is applicable, the entire surface area of the ground located between the #street wall# and the public sidewalk shall comply with the standards of paragraphs (a) and (b) of this Section. Such areas may be covered and may include columns and other elements not specifically excluded pursuant to paragraph (b) of this Section.

(d) Additional regulations shall apply to the following areas and conditions:

(1) #Narrow streets#

The #mandatory widened sidewalks# located along #narrow streets# shall be five feet wide. A paved walking path not less than 10 feet wide, which may include the public sidewalk, shall be provided. The paving surface shall be of a non-skid material, whether wet or dry.

(2) 12th Avenue

The #mandatory widened sidewalks# located along 12th Avenue, as shown on Map 7 in Appendix A of this Chapter, shall be 30 feet wide and include a 15 foot wide area adjacent to the #street line# for the provision of an open market and a walking surface with a minimum clear path of 15 feet adjacent to the market area. The walking surface shall be of a non-skid material, whether wet or dry.

(i) Permanent, fixed elements, such as landscaping and seating, with a minimum coverage of five percent of the market area, shall be required.

(ii) The following obstructions shall be permitted:

Temporary, moveable elements with a maximum coverage of 30 percent of the market area per #zoning lot#, such as carts, kiosks or pavilions, open or enclosed; market umbrellas; retail structures, open; and seating and other street furniture.

104-422 - Midblock Open Areas

LAST AMENDED
2/2/2011

Midblock Open Areas shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. However, no Midblock Open Area is required on any #block# that is not developed as a single #zoning lot#. The Midblock Open Areas shall have a minimum width of 50 feet clear and open to the sky.

All Midblock Open Areas shall have a minimum clear path of 15 feet and shall be improved as paved surfaces of a non-skid material, whether wet or dry. A minimum of 20 percent and a maximum of 50 percent of each Midblock Open Area shall be improved with landscape treatment, including planting and other amenities. No fences shall be permitted. No walls or planters shall be higher than two feet above the finished level of the nearest adjoining sidewalk.

The full width of each Midblock Open Area shall be improved and open to the public prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to

such area. However, up to 10 feet of the width of a Midblock Open Area may be temporarily enclosed within a construction fence for the shortest period of time reasonably necessary to permit construction in the adjacent area.

For #buildings# adjacent to the Midblock Open Areas, other than a #building# located on Parcel E2 as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, #building# walls fronting on such Midblock Open Areas shall be transparent for at least 50 percent of the area of each such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

104-423 - East/West Open Area

LAST AMENDED
2/2/2011

An East/West Open Area shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. The East/West Open Area shall have:

(a) a minimum width of 60 feet and shall be open to the sky;

(b) a minimum clear path of 15 feet, which shall be improved as a paved surface of a non-skid material, whether wet or dry; and

(c) a minimum of 20 percent of its area improved with landscape treatment, including planting and other amenities. No walls or planters shall be higher than two feet above the finished level of the adjacent sidewalk.

Air intake grilles, flush to grade, shall be permitted, provided such intake grilles do not exceed 10 percent of the area of the East/West Open Area, and are concealed from public view by planting or

other design features.

The full width of the East/West Open Area shall be improved and open to the public, prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area.

104-424 - The Square

LAST AMENDED
2/2/2011

Area of the Square

If Block D is developed as a single #zoning lot#, an open area known as "the Square," with a minimum area of 40,000 square feet, shall be provided, connecting West 130th and West 131st Streets, as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. This minimum area shall not include either the Midblock Open Area on Block D, or the area of the #mandatory widened sidewalks# on the West 130th and 131st Street frontages adjacent to the Square.

The Square shall be used for open space accommodating both passive recreation and limited active recreation.

#Building# transparency

The bounding #building# wall on the west side of the Square shall be transparent for 50 percent of the area of such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

Circulation and access

No fences or gates shall be permitted anywhere in the Square.

An unimpeded pedestrian access, with a minimum width of 15 feet, shall be provided across the Square in a generally diagonal direction in the north/south orientation, connecting the two narrow streets, with both ends located a minimum of 100 feet from the Midblock Open Area on Block D.

The Square shall provide unobstructed access from the adjoining sidewalks for at least 50 percent of the length of each street frontage of the Square. No single fixed element, within 15 feet of the #street line# of the Square, shall have a dimension greater than 15 feet or be higher than 30 inches, measured from the finished level of the adjacent sidewalk. The clear path between obstructions shall be at least three feet; however, to qualify as an unobstructed access that contributes to the 50 percent requirement set forth in this paragraph, a minimum width of five feet is required.

Elevation of the Square

The elevation of the Square shall generally follow the adjacent topography. Within 15 feet of the #street line#, the elevation of the Square, for a minimum of 50 percent of the length of each frontage on a #street#, shall have a maximum slope of 1:15. Beyond 15 feet from the #street line#, all open areas in the Square, including rolling or bermed lawn areas, may vary but shall not be more than five feet above or one foot below the level of the nearest sidewalk or natural topography. Paved areas shall not be higher than two feet above the level of the nearest sidewalk.

Permitted obstructions

No walls or planters shall be higher than 2 feet, 6 inches above the finished level of the nearest adjoining sidewalk. No planters or planter walls shall be higher than 18 inches above the level of the adjacent grade.

Permanent structures, such as food or information kiosks, pavilions or public restrooms, may be placed in the Square, provided they do not exceed a height of 20 feet, or occupy more than three percent of the area of the Square.

Temporary or movable amenities, including elements such as trellises, movable tables, game tables, play equipment and performance facilities, are permitted, not to exceed 10 percent of the area of the Square.

Seating

A minimum of one linear foot of seating shall be provided for each 50 square feet of the Square. A minimum of 75 percent of the required seating shall be fixed; up to 25 percent may be movable. Every two and one-half linear feet of fixed seating shall be considered as seating for one person.

The following standards shall apply to all required seating:

(a) fixed seating may be provided in the form of double-sided benches, which shall be a minimum of 36 inches deep;

(b) 50 percent of the fixed seats shall have backs; such backs shall be not less than 14 inches high;

(c) fixed seating shall be between 16 inches and 18 inches in height, with a minimum depth of 18 inches measured from the edge to the back; and

(d) all seating shall be made of durable material and shall be comfortable to sit on, with rounded edges of at least one inch radius.

However, other types of seating, such as the edges of planters and fountains, may count toward the required amount of seating if such seating has a minimum depth of 22 inches and is between 16 and 18 inches in height.

At least 20 percent of the required seating shall be provided within 15 feet of the #street line# of the Square fronting all #streets# and the adjacent Midblock Open Area, and arranged to encourage a variety of uses. If such Midblock Open Area is provided with seating, that frontage of the Square may be exempt from this requirement.

General requirements for trees and planting

A minimum of 50 percent of the Square shall be landscaped with soft ground cover. Soft ground cover shall include trees, grasses, shrubs and other ornamental planting material. The remaining 50 percent of the Square may be paved as hard surface.

At least 30 percent of the area of the Square shall contain a continuous planting area, with minimum soil depth of five feet. Berming is allowed provided that the height of the berm is not greater than five feet above the level of the adjoining sidewalk.

Trees

A minimum of 38 trees is required. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet. Trees shall be planted in continuous planted areas that have a minimum depth of four feet and a minimum area of 500 square feet of soil. All trees shall be planted flush to grade. The requirements of this paragraph, (a), shall be in addition to the requirements of Section 104-422 (Midblock Open Areas).

Planting

Seasonal planting is encouraged but not required. When planting beds are provided, they can be counted towards meeting the requirement for soft ground cover. Planting beds shall have a minimum soil depth of two feet for grass or other similar ground cover and three feet for shrubs.

Other required amenities

Racks shall be provided for a minimum of 16 bicycles. Such racks shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Four drinking fountains, two of which shall be fully accessible for children and people with disabilities, shall be provided in the Square or on the sidewalks, #mandatory widened sidewalks# or Midblock Open Area adjacent to the Square.

Not less than 40 cubic feet of trash receptacles shall be provided. Individual containers shall not be smaller than 25 gallons each. There shall be 10 containers, at least three of which shall be for used for recycling paper, plastic and metal waste. Such recycling containers shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Permitted amenities

Permitted amenities include such elements as artwork and water features, which may occupy up to 10 percent of the area of the Square.

Public space signage

At least four entry and two information plaques shall be provided. The content and design of such #signs# shall comply with the standards for public space #signs# set forth in the Zoning Resolution.

Information about the Square may be provided on the entry plaques.

Vents facing the square

On any #building# wall adjacent to and facing the Square, exhaust or air intake vents shall be located higher than 15 feet above the level of the Square.

Vents and stairs in the Square

Exhaust or air intake vents and stair bulkheads shall not be permitted in the Square, except as authorized by the City Planning Commission, subject to the following conditions:

(a) the top of the exhaust or intake vent shall be a minimum of 20 feet above the finished level of the adjacent grade;

(b) no single element shall be more than 200 square feet; and

(c) the aggregate area occupied by all vents and stair bulkheads shall not exceed one percent of the area of the Square.

In order to grant such authorization, the Commission shall find that:

(1) placement of such elements cannot be reasonably accommodated elsewhere on the #zoning lot#; and

(2) such vents and stair bulkheads are located so as to minimize impact on the visibility, accessibility and public use and enjoyment of the Square.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the Square.

104-425 - The Small Square

LAST AMENDED
2/2/2011

If Block C is developed as a single #zoning lot#, an open area known as the “Small Square,” with a minimum area of 10,000 square feet, shall be provided as a passive open space, connecting West 129th and West 130th Streets. It shall be improved with paved surfaces of a non-skid material, whether wet or dry. No fences or walls shall be permitted in the Small Square.

The bounding #building# walls on all #buildings# #abutting# the Small Square shall be transparent for 50 percent of the area of the portion of each such wall measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

The Small Square shall be landscaped with a minimum of eight trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet. All trees shall be planted flush to grade.

A minimum of 30 moveable seats shall be provided at all times; additional moveable or fixed seating may be provided.

104-426 - The Grove

LAST AMENDED
2/2/2011

If Block A is developed as a single #zoning lot#, an open area known as “the Grove,” with a minimum area of 400 square feet, shall be provided as a passive open space connecting West 125th and West 129th Streets. It shall contain seating at the western portion of the Block and a grove of trees with a minimum of four trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet.

The Grove shall be improved with paved surfaces of a non-skid material, whether wet or dry. It shall be landscaped with trees planted flush to grade and may include additional planting. The Grove may contain fixed or moveable seating.

No fences, walls or planters are permitted in the Grove.