



Legislation Text

File #: Res 1761-2021, Version: \*

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1761**

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210270 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 838).**

**By Council Members Salamanca and Moya**

WHEREAS, the Metropolitan Transit Authority and the New York City Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections, Citywide (Application No. N 210270 ZRY) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 3, 2021, its decision dated September 1, 2021 (the “Decision”), on the Application;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 10, 2021;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued on April 5, 2021 (CEQR No. 21DCP136Y) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210270 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;  
Matter ~~struck-out~~ is to be deleted;

Matter double struck out is old, deleted by the City Council;  
Matter double-underlined is new, added by the City Council  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution.

ARTICLE II  
RESIDENCE DISTRICT REGULATIONS

Chapter 3  
Residential Bulk Regulations in Residence Districts

\* \* \*

23-10  
OPEN SPACE AND FLOOR AREA REGULATIONS

\* \* \*

23-16  
Special Floor Area and Lot Coverage Provisions for Certain Areas

\* \* \*

(b) For R10 Districts in Community District 7 in the Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall be 10.0. No #floor area# bonuses shall be permitted except as authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

\* \* \*

ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS

Chapter 7  
Special Urban Design Regulations

\* \* \*

37-40  
OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or an #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, the #Special Union Square District# as listed in Section 118-50, the #Special East Harlem Corridors District# as described in Section 138-33, and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances\* shall be provided in accordance with the provisions of this Section.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50. In addition, for #developments or #enlargements# on such #zoning lots# where a relocated or renovated subway stair has been provided in accordance with the provisions of this Section, the special #use#, #bulk#, parking, and streetscape modifications set forth in Sections 66-22 (Special Use Regulations) through 66-25 (Special Streetscape Regulations) may be applied.

\* \* \*

\* Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans with Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations

\* \* \*

37-50  
REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

\* \* \*

37-52  
Types of Pedestrian Circulation Space

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, ~~subway station improvement~~ #transit volumes# and improvements to #mass transit stations#, through #block# connection or #public plaza#. For the purposes of this Section, defined terms additionally include those in Section 66-11 (Definitions).

Each #zoning lot# shall be categorized as either a #corner lot#, #through lot# or #interior lot#, and pedestrian circulation space shall be provided on each #zoning lot# in at least one of the applicable types, or combinations of types, specified in the following table:

PROVISION OF PEDESTRIAN CIRCULATION SPACE ON CERTAIN TYPES OF LOTS

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
--------------------------------------	--------------	---------------	----------------

---

Arcade	X	X	X
#Building# entrance recess area	X	X	X
Corner arcade	X		
Corner circulation space	X		
Relocation or renovation of subway stair	X	X	X
Sidewalk widening	X	X	X
<del>Subway station improvement</del>	X	X	X
<u>#Transit volumes# and improvements to #mass transit stations#</u>			
Through #block# connection	X	X	
#Public plaza#	X	X	X

\* \* \*

37-53  
Design Standards for Pedestrian Circulation Spaces

\* \* \*

(g) ~~Subway station improvement~~ #Transit volumes# and improvements to #mass transit stations#

~~For #developments# or #enlargements# that are granted a special permit pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), no more than 3,000 square feet may count toward meeting the pedestrian circulation space requirement.~~

Where #transit volumes# or improvements to #mass transit stations# are provided pursuant to the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), each square foot of mass transit access may constitute one square foot of required pedestrian circulation space, not to exceed 3,000 square feet. For the purposes of this paragraph, defined terms include those in Section 66-11 (Definitions).

\* \* \*

ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2  
Special Regulations Applying in the Waterfront Area

\* \* \*

62-10  
GENERAL PROVISIONS

\* \* \*

**62-13  
Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

\* \* \*

**62-30  
SPECIAL BULK REGULATIONS**

\* \* \*

**62-32  
Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks**

\* \* \*

**62-324  
Community facility and commercial uses in Residence Districts**

In #Residence Districts#, for any #community facility building# or #community facility# portion of a #building# on a #zoning lot#, the following regulations shall apply:

- (a) The maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall apply. In R7-3 and R9-1 Districts, the maximum #floor area ratio# shall be the maximum permitted for #residential buildings# pursuant to Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts). For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

**62-325  
Buildings in Commercial Districts**

In #Commercial Districts#, for any #commercial# or #community facility uses# on a #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except:

- (a) no #floor area# bonuses shall be permitted except as permitted pursuant to the provisions of paragraph (c) of this Section;  
~~and~~

- (b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0.; and
- (c) For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For #residential buildings# and #residential# portions of #mixed buildings#, the maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections 62-321 through 62-323 shall apply as set forth for the applicable #Residence District# and its corresponding #Commercial District# in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

### 62-326

#### Buildings in Manufacturing Districts

In #Manufacturing Districts#, for any #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, ~~except that no #floor area# bonuses shall be permitted.~~ However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

### Chapter 6

#### Special Regulations Applying Around Mass Transit Stations

[All text in this Chapter is new text]

### 66-00

#### GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to support and facilitate transit accessibility and improvements in conjunction with developments and enlargements near transit stations, and in doing so, promote and protect public health, safety, general welfare and amenity. The general goals of this Chapter include, among others, the following purposes:

- (a) to support the long-term planning needs of mass transit stations and systemwide accessibility;
- (b) to reduce pedestrian congestion on city streets in the vicinity of transportation nodes, by facilitating the provision of easements and moving transit station entrance infrastructure off the sidewalk;
- (c) to offset potential burdens of such easement on development feasibility by providing zoning flexibility where easements are provided;
- (d) to encourage well-designed development and pedestrian environment, including enhanced pedestrian circulation, around mass transit stations;

- (e) to coordinate the present and future relationship of land uses around transit stations; and
- (f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

## 66-10 GENERAL PROVISIONS

### 66-11 Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

#### Above-grade mass transit station

For the purposes of this Chapter, an “above-grade mass transit station” shall refer to a #mass transit station# with a platform that is located entirely above five feet from #curb level#.

#### At or below-grade mass transit station

For the purposes of this Chapter, an “at- or below-grade mass transit station” shall refer to a #mass transit station# that is not an #above-grade mass transit stations#.

#### Central Business Districts

For the purposes of this Chapter, “Central Business Districts” shall refer to #Special Midtown District#, #Special Hudson Yards District#, #Special Lower Manhattan District#, #Special Downtown Brooklyn District#, #Special Long Island City Mixed Use District# or #Special Garment Center District#.

#### Clear path

For the purposes of this Chapter, a “clear path” shall refer to an unobstructed area between the #street line# and #street wall# that

- (a) directly #abuts# an adjoining public sidewalk; and
- (b) extends along the #street line# for a distance equal to the width of an existing or planned access point to a #mass transit station# facing such #transit-adjacent site#, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All #clear paths# shall be accessible to the public at all times.

#### Easement volume

For the purposes of this Chapter, an “easement volume” shall refer to an area of the #zoning lot# used to accommodate either:

- (a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or
- (b) ancillary facilities that are needed to support transit system functionality.

#### Eligible zoning districts

For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

- (a) R5D, R6, R7, R8, R9 or R10 Districts;
- (b) #Commercial Districts# mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;
- (c) M1 Districts paired with R6 through R10 Districts; or
- (d) #Manufacturing Districts#.

#### Mass transit station

For the purposes of this Chapter, “mass transit station” shall refer to any subway or rail #mass transit station# operated by a #transit agency#. Such #mass transit stations# shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are currently closed but could be reopened and that have previously been open to the public.

#### Primary transit-adjacent sites

For the purposes of this Chapter, “primary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of 5,000 square feet or more.

#### Qualifying transit improvement sites

For the purposes of this Chapter, “qualifying transit improvement sites” shall refer to #zoning lots# that are:

- (a) located in one of the following zoning districts:
  - (1) R9 or R10 Districts;
  - (2) #Commercial Districts# mapped within, or with an equivalent of an R9 or R10 District;
  - (3) M1 Districts paired with an R9 or R10 District; or
  - (4) M1-6 Districts; and
- (b) located wholly or partially within the following distance from a #mass transit station#:
  - (1) 500 feet for such #zoning lots# outside of #Central Business Districts#; or
  - (2) 1,500 feet for such #zoning lots# and #mass transit stations# within #Central Business Districts#.

Such distance shall be measured from the outermost extent of the #mass transit station#. For the purposes of such calculation, the outermost extent may include #buildings# containing #easement volumes# serving such #mass transit station#.



#### Secondary transit-adjacent sites

For the purposes of this Chapter, “secondary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of less than 5,000 square feet.

#### Transit agency

For the purposes of this Chapter, a “transit agency” shall refer to any governmental agency with jurisdiction over the affected #mass transit station#.

#### Transit-adjacent sites

For the purposes of this Chapter, “transit-adjacent sites” shall refer to #zoning lots# that are located within 50 feet of a #mass transit station#, and located in #eligible zoning districts#. #Transit-adjacent sites# include #primary transit-adjacent sites# and #secondary transit-adjacent sites#.

#### Transit volume

For the purposes of this Chapter, a “transit volume” shall refer to an area of a #transit-adjacent site# where, pursuant to the provisions of this Chapter, a #transit agency# has determined transit or pedestrian circulation improvements are needed for a #mass transit station#. Such #transit volume# may be used to accommodate #easement volumes# or #clear paths#.

#### 66-12

##### Applicability

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

## **66-121**

### **General Applicability**

The provisions of this Chapter shall apply to #transit-adjacent sites# or #qualifying transit improvement sites#, as follows:

- (a) For #transit-adjacent sites#
  - (1) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, shall apply to all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#.
  - (2) The provisions of Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), inclusive, include optional provisions available to #developments# and #enlargements# on #secondary transit-adjacent sites#, #conversions# on #transit-adjacent sites#.

(3) The provisions of Section 66-40 (CONSTRUCTION, MAINTENANCE AND ADDITIONAL PROVISIONS), inclusive, shall apply to all #transit-adjacent sites# providing an #easement volume# pursuant to Section 66-20 or Section 66-30.

(b) For #qualifying transit improvement sites#

The provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements) shall be optional for #qualifying transit improvement sites#.

## **66-122**

### **Limitations on applicability in certain areas**

The provisions of this Chapter shall not apply as follows:

(a) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) and Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), shall not apply to the following areas within Special Purpose District:

(1) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;

(2) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or

(3) the #Special Transit Land Use District#.

(b) The provisions of 66-51 (Floor Area Bonus for Mass Transit Station Improvements) shall not apply:

(1) to the following areas within Special Purpose Districts:

(i) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;

(ii) The Court Square Subdistrict within #Special Long Island Mixed Use District#; or

(iii) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or

(2) to the 34th Street - Hudson Yards Station.

## **66-123**

### **Other limitations on applicability**

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF

AMENDMENT) regarding the right to continue construction shall apply. In addition, the following special vesting provisions shall apply:

(a) Inapplicability of easement provisions for vested sites and previously approved easements

The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), shall not apply to:

- (1) #developments# or #enlargements# on the lowest #story# of a #building# on #zoning lots# with an easement created pursuant to the provisions of this Resolution on or before [date of adoption], where such easement is providing transit station access infrastructure or ancillary facilities; or
- (2) #developments# or #enlargements# on the lowest #story# of a #building# if, on or before [date of adoption]:
  - (i) an application has been filed with the Department of Buildings, and if, on or before [date of adoption], the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development# or #enlargement#. The application may be revised and retain vested status, provided that the #lot coverage# for the #development# or #enlargement# is not increased beyond the amount described in the approved application;
  - (ii) an application for a special permit or variance has either been approved or is pending before the Board of Standards and Appeals;
  - (iii) an authorization or special permit from the City Planning Commission has either been approved, certified or referred; or
  - (iv) an application for a Certificate of Appropriateness or other permits has either been approved or is pending before the Landmarks Preservation Commission.

Subsequent to [date of adoption] such applications for #developments# or #enlargements# may be continued, and, if approved, construction may be started or continued pursuant to the provisions in effect prior to [date of adoption].

(b) Applicability of bonus provisions to previously filed special permits applications

If, before [date of adoption], an application for a special permit for a #floor area# bonus for subway station improvements has been referred for public review by the City Planning Commission pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), as such Section existed prior to [date of adoption], such application may continue pursuant to the regulations in effect at the time such special permit was referred for public review by the Commission. Such special permit, if granted by the Commission, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was referred by the Commission.

## **66-20**

### **SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES**

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination, or certification, where applicable, for a #transit volume# shall be obtained pursuant to Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-22 (Special Use Regulations), 66-23 (Special Bulk Regulations), 66-24 (Special Regulations for Accessory Off-Street Parking), and 66-25 (Special Streetscape Regulations) respectively. Separate applicability is set forth within such Sections for #primary transit-adjacent sites# with #easement volumes# and for those with #clear paths#.

## **66-21**

### **Determination and Certification for Transit Volumes**

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination by the #transit agency# as to whether a #transit volume# is needed on the #zoning lot# shall be obtained pursuant to the provisions of this Section prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit. An initial determination by the #transit agency# shall be made in accordance with paragraph (a) of this Section. Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of this Section, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c).

#### **(a) Initial determination**

The owner of the #zoning lot# shall request a determination by the #transit agency# as to whether or not a #transit volume# is needed on the portion of the #zoning lot# not otherwise occupied by existing #buildings# that will remain. Within 30 days of receipt of such request, the #transit agency# shall issue a determination, indicating whether or not a #transit volume# is needed on such portion of the #zoning lot#. Failure by the #transit agency# to issue the determination within the 30-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

Where the #transit agency# determines a #transit volume# is needed on the #zoning lot#, the provisions of paragraphs (b) and (c) of this Section shall apply. Where the #transit agency# determines a #transit volume# is not needed, a building permit may be issued for such #development# or #enlargement#, and no remaining provisions of this Section shall apply.

#### **(b) Determination of easement dimensions and location**

Where a #transit volume# is needed, as determined pursuant to the provisions of paragraph (a) of this Section, the #transit agency# shall, within 30 days, determine the appropriate type, dimensions and general location of the #transit volume# on the #zoning lot# based on a concept plan for the use of such volume. Prior to the 30-day period, the #transit agency# may request relevant materials from the owner of the #zoning lot#, including existing and proposed site conditions, or other necessary information that will support the planning of such #transit volume#.

After the size and general location of the #transit volume# has been determined by the #transit agency#, the owner shall submit for approval by the #transit agency# a site plan showing a proposed specific

location of the #transit volume# that would be compatible with the proposed #development# or #enlargement# on the #zoning lot#. The #transit agency# shall, within 30 days of its receipt, either approve the site plan, or request modifications to the #transit volume# within the site plan in a manner that aligns with the concept plan. Upon such request, the owner shall submit a revised site plan, and within 15 days of its receipt, the #transit agency# shall confirm that the requested modifications have been addressed. In the event that such requested modifications have not been sufficiently addressed, subsequent revisions to the site plan may be requested by the #transit agency#, and each submission shall have a 15-day review period from the #transit agency#.

Upon approval of the site plan by the #transit agency#, such site plan shall be certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section prior to the issuance of a building permit by the Department of Buildings for such #development# or #enlargement#.

Notwithstanding the above, a building permit may be issued for a #development# or #enlargement#:

- (1) where the size of the proposed #transit volume# exceeds 25 percent of the width of any #street# frontage on the #zoning lot#, as measured along the #street line#; or
- (2) where the number of days associated with the determination and review periods by the #transit agency# exceeds any of the limits set forth in this paragraph, or a total review period of 120 days. The total review period shall only be inclusive of the duration of the #transit agency's# determination and review periods set forth in both paragraphs (a) and (b) of this Section.

(c) Chairperson certification

Upon approval of the site plan by the #transit agency#, a legally enforceable instrument, running with the land and setting forth the dimensions and location of a #transit volume#, shall be executed and recorded in a form acceptable to the #transit agency# and Chairperson of the City Planning Commission. The Chairperson shall be provided with a certified copy of the legally enforceable instrument, and upon receipt, shall certify the application and forward copies of such certification to the Commissioner of the Department of Buildings. Such certification shall be a precondition for the utilization of the remaining provisions of Section 66-20, inclusive, in any #development# or #enlargement# on a #zoning lot# where a #transit volume# is needed.

Where an #easement volume# is needed on the #zoning lot# pursuant to paragraph (a) and (b) of this Section, additional requirements setting forth the construction, maintenance and other obligations shall apply pursuant to the provisions of Section 66-41 (Construction, Maintenance and Other Obligations).

No temporary or final certificate of occupancy for the #development# or #enlargement# shall be granted until the Chairperson of the City Planning Commission notifies the Department of Buildings that the execution and recordation of other basic terms of the #easement volume# setting forth the obligations and requirements of either the #transit agency# or the owner and developer, their successors and assigns, inclusive of the requirements set forth in Section 66-41, have been completed.

Where an #easement volume# is provided, the applicable #use# regulations of this Resolution shall be modified in accordance with the provisions of Sections 62-221 (Temporary uses) and 62-222 (Special use allowances around easement volumes).

## 66-221

### Temporary uses

Any space within an #easement volume# may be temporarily allocated to the following #uses# until such time as the space is needed by the #transit agency#:

- (a) in all districts, any #community facility use# without sleeping accommodations allowed by the underlying district;
- (b) in #Residence Districts#, #uses# listed in Use Group 6A and 6C; or
- (c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

The floor space allocated to such temporary #uses# within the #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

Improvements to, or construction of a temporary nature within the #easement volume# for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the #easement volume# is located prior to the time at which public #use# of the easement area is needed, except as otherwise specified by the #transit agency#. A minimum notice of 12 months shall be given, in writing, by the #transit agency# to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.

## 66-222

### Special use allowances around easement volumes

The following #use# allowances around #easement volumes# shall apply in applicable districts.

- (a) Special #use# allowances in #Residence Districts#

In all #Residence Districts#, #uses# listed in Use Group 6A and 6C shall be permitted within a distance of 30 feet from the outermost edge of the #easement volume#:

- (1) at the ground floor level of a #building# on a #zoning lots# with an #easement volume# serving an #at- or below-grade mass transit station#, or
- (2) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

Such #uses# may be permitted so long as that in #buildings# that include #residential uses#, such #uses# are located in a portion of the #building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building#, and that such #uses# are not located directly over any #story# containing #dwelling units#.

- (b) Special regulations for #commercial use# location in #mixed buildings# in #Commercial Districts#

In C1 or C2 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified for #mixed buildings# that are #developed# or #enlarged# with an #easement volume# serving an #above-grade mass transit station#, to allow all permitted #commercial uses# on the lowest two #stories#.

66-23

## Special Bulk Regulations

Where an #easement volume# is provided, the applicable #bulk# regulations of this Resolution shall be modified in accordance with the provisions of this Section. Where a #clear path# is provided, only the #street wall# provisions of Section 66-234 (Special street wall modifications) shall apply.

### **66-231**

#### **Special floor area modification**

The #floor area# modifications of this Section shall apply as follows:

(a) #Floor area# exemption

The floor space contained within any #easement volume# shall be excluded from the definition of #floor area#.

(b) #Commercial# #floor area# in #Residence Districts#

Where special #use# allowances pursuant to paragraph (a) of Section 66-222 (Special use allowances around easement volumes) are permitted in #Residence Districts#, the maximum permitted #commercial floor area# shall be equivalent to the area permitted for #commercial uses# pursuant to such Section.

### **66-232**

#### **Special open space, lot coverage and yard modifications**

The #open space#, #lot coverage# and #yard# modifications of this Section shall apply as follows.

(a) Permitted obstructions

(1) #Easement volumes# in all zoning districts

Any portion of an #easement volume# shall be considered a permitted obstruction within a required #open space#, #yards#, #rear yard equivalent#, or #court# pursuant to the regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Non-residential uses in #Commercial# or #Manufacturing Districts#

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level#, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences or rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

(b) Special #open space# modifications in certain districts

In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the provisions of paragraph (g) of Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall not apply.

(c) Special #lot coverage# modifications in certain districts

The underlying #lot coverage# provisions shall apply except as modified pursuant to this paragraph.

- (1) Any #easement volume#, or portion thereof, that is open to the sky shall not be included in #lot coverage#.
- (2) In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the maximum #residential lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential lot coverage# for #corner lots# shall be 85 percent. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#.
- (3) In R6 and R7 Districts, for #Quality Housing buildings#, the maximum #residential lot coverage# for #interior lots# and #through lots# shall be 70 percent.

**66-234**

**Special street wall modifications**

The #street wall# modifications of this Section shall apply to districts with #street wall# requirements.

(a) #Street wall# location where an #easement volume# is provided

For #Quality Housing buildings#, the underlying #street wall# location provisions shall be modified pursuant to this paragraph.

- (1) For all #zoning lots#, any portion of the #easement volume# facing the #street#, as well as any portion of a #building# behind or above such #easement volume# shall not be subject to #street wall# location provisions along the #street# frontage the #easement volume# is located.
- (2) Where an #easement volume# is located wholly beyond 50 feet of the intersection of two #street lines#, #street walls# within 15 feet of an #easement volume#, as measured along the #street line# may be recessed, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, on #corner lots#, where an #easement volume# is placed partially or wholly within 50 feet of the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines drawn perpendicular to such #street lines# within 15 feet from the edges of such #easement volume#. For #corner lots# with an angle of 75 degrees or less, such distance may be increased to 20 feet.



(b) Street wall location where a clear path is provided

Where a clear path is provided, the interior boundary of such clear path shall be considered a street line for the purposes of applying the applicable street wall location requirements.

**66-235**

**Special height and setback modifications**

The height and setback modifications of this Section shall apply as follows:

(a) Permitted obstructions

(1) Easement volumes

Any portion of an easement volume shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum building height, or sky exposure plane set forth in height and setback regulations of this Resolution. Any easement volume, including any use or structure therein, shall be located at least 30 feet from any legally required window at the same level on the zoning lot.

(2) Dormers

For Quality Housing buildings, as an alternative to the provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the street wall of the highest story entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases. For the purposes of this paragraph, the width of the street wall shall be determined pursuant to the provisions of paragraph (a) of Section 234 (Special street wall modifications).

(b) Special height and setback provisions for R5 Districts

The requirements of Section 23-63 (Height and Setback Requirements in R1 Through R5 Districts) shall be modified for the portions of a building used for residential use, as follows:

(1) In Commercial Districts mapped within, or with a residential equivalent of an R5 District, the maximum height of a street wall before setback shall be 35 feet. Above such height, a setback of 10 feet shall be provided, and the maximum building height shall be 45 feet. Such provisions shall also apply to buildings utilizing the optional provisions for a predominantly built-up area; and

(2) In R5D Districts or Commercial Districts mapped within, or with a residential equivalent of an R5D District, the maximum building height shall be increased by 10 feet or one story, whichever is less.

(c) Special height provisions for R6 through R10 Districts and certain #Commercial# and M1 Districts

In R6 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R6 through R10 Districts, and M1-6 Districts, where maximum #building# height limitations apply, the maximum #building# height shall be increased by 10 feet, or one #story#, whichever is less.

However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R7 through R10 Districts, and M1-6 Districts, the maximum #building# height shall be increased by 20 feet or two #stories#, whichever is less.

**66-24**

**Special Regulations for Accessory Off-Street Parking**

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

(a) Parking space deduction

For all applicable #zoning lots#, 15 spaces may be deducted from the total number of required #accessory# off-street parking spaces. Where #accessory# off-street parking spaces are required by multiple #uses# on a #zoning lot#, such deduction may apply to any required #accessory# off-street parking spaces provided that in no event shall the aggregate total of such deduction exceed 15 spaces. Any allowances for reductions or waivers of #accessory# off-street parking spaces set forth in underlying district regulations or Special Purpose Districts, shall continue to apply.

(b) Special waiver of requirements for small #zoning lots#

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

<u>District</u>	<u>Lot Area (in square feet)</u>
<u>R5 R5D C1-1 C2-1 C3 C4-1 C1-2 C2-2 C4-2 C8-1 C1-3 C2-3 C4-2A C4-3 C7 C8-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</u>	<u>10,000 or less</u>
<u>R6 R7 R8 R9 R10 C1-4 C2-4 C4-4 C4-5D C8-3 C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</u>	<u>15,000 or less</u>

(c) Waiver of requirements where access would be forbidden

The location and size of the #transit volume#, along with an area within 30 feet thereof, shall be considered for the purposes of applying waiver provisions of Sections 25-27, 25-34, 36-24, 36-38 or 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden).

## 66-25

### Special Streetscape Regulations

Where an #easement volume# is provided, the underlying ground floor level and planting requirements shall be modified in accordance with Sections 62-251 (Ground floor level requirements) and 62-252 (Planting requirements).

## 66-251

### Ground floor level requirements

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

## 66-252

### Planting requirements

(a) Planting requirements for R5D Districts

In R5D Districts, planting requirements shall be modified as follows:

- (1) The #easement volume# shall be discounted from the area of a #front yard# for the purposes of applying the planting requirement of Section 23-451 (Planting requirement). Where planting is required within the #front yard# pursuant to Section 23-451 (Planting requirement), the area of the #easement volume# shall be discounted from the #street# frontage for the purposes of the #zoning lot# for the purposes of determining the minimum percentage of #front yard# to be planted; and
- (2) Where planting strips are required along the entire length of the curb of the #street# pursuant to Section 26-42 (Planting Strips), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#.

(b) Planting requirements for #Quality Housing buildings#

For #Quality Housing buildings#, the area of the #zoning lot# between the #street line# and the #easement volume# shall be exempt from the planting requirements of Section 28-23 (Planting Areas).

## 66-26

### Additional Modifications

Where a #transit volume# is provided pursuant to Section 66-21 (Determination and Certification for Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, pursuant to Section 66-52 (Additional Modifications).

## 66-30

### SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES

For all #secondary transit-adjacent sites#, the provisions of this Section are optional. On such sites, an optional #transit volume# may be provided in accordance with a determination by the #transit agency# and certification by the Chairperson of the City Planning Commission pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes). Where a #transit volume# is provided, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-32 (Special Modifications for Secondary Transit-adjacent Sites).

## 66-31

### Determination and Certification for Optional Transit Volumes

For all #developments# and #enlargements# on #secondary transit-adjacent sites# and #conversions# on all #transit-adjacent sites# seeking to provide a #transit volume#, an initial determination by the #transit agency# shall be made in accordance with the provisions of paragraph (a) of Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of Section 66-21, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of such Section.

## 66-32

### Special Modifications for Secondary Transit-adjacent Sites

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), special #use#, #bulk#, parking, and streetscape regulations may be applied as follows:

- (a) For all #developments# or #enlargements# on #secondary transit-adjacent sites#, the modifications set forth in Sections 66-22 through 66-25 shall apply as if such #development# or #enlargement# was on a #primary transit-adjacent site#.
- (b) For #conversions# on all #transit-adjacent sites#, the following modifications shall apply as if such #conversion# was on a #primary transit-adjacent site#:
  - (1) #Use# modifications pursuant to Section 66-221 (Temporary uses);
  - (2) #Bulk# modifications pursuant to Section 66-231 (Special floor area modification), paragraph (a)(1) of Section 66-232 (Special open space, lot coverage and yard modifications), Section 66-234 (Special street wall modifications), and paragraph (a)(1) of Section 66-235 (Special height and setback modifications);
  - (3) Waiver provisions for required parking pursuant to paragraph (c) of Section 66-24 (Special Regulations for Accessory Off-Street Parking); and
  - (4) Streetscape modifications pursuant to Section 66-25 (Special Streetscape Regulations).

## 66-33

### Additional Modifications

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in this Section, pursuant to Section 66-52 (Additional Modifications).

**66-40**

**CONSTRUCTION, MAINTENANCE, AND ADDITIONAL PROVISIONS**

Where an #easement volume# is provided pursuant to Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) or Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) the provisions of this Section, inclusive, shall apply. Where a #clear path# is provided pursuant to the aforementioned Sections, the provisions of Section 66-42 (Termination of a Transit Volume) shall also apply.

**66-41**

**Construction, Maintenance and Other Obligations**

Where an #easement volume# is provided pursuant to this Chapter, transit access improvements within such volume shall be constructed and maintained either by the #transit agency# or the owner of the #zoning lot# with the #development#, #enlargement# or #conversion#.

- (a) Where such transit access improvement is constructed and maintained by the #transit agency#:
- (1) the owner of #zoning lot# with the #development#, #enlargement# or #conversion# shall provide an #easement volume# that is designed and constructed in such a manner that would not inhibit the #transit agency's# functional requirements and ability to construct such transit access improvement at a future date;
  - (2) in the event that the construction of the improvement is not contemporaneous with the construction of the #development#, #enlargement# or #conversion#, any underground walls constructed along the #front lot line# adjacent to an #at- or below-grade mass transit station# shall include one or more knockout panels, below #curb level# down to the bottom of the #easement volume#. The actual location and size of such knockout panels shall be determined through consultation with the #transit agency#;
  - (3) temporary construction access shall be granted to the #transit agency# on portions of the #zoning lot# outside of the #easement volume#, as needed, to enable construction within and connection to the #easement volume#; and
  - (4) in the event that the #transit agency# has approved of obstructions associated with the #development#, #enlargement# or #conversion# within the #easement volume#, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the #easement volume#.
- (b) Where such transit access improvement is constructed and maintained by the owner of the #development #, #enlargement# or #conversion#:
- (1) a transit access improvement shall be provided in accordance with standards set forth by the #transit agency#;

- (2) such improvement shall be accessible to the public at all times, except as otherwise approved by the #transit agency#;
- (3) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and
- (4) no temporary certificate of occupancy shall be granted by the Department of Buildings until the Chairperson of the City Planning Commission, acting in consultation with the #transit agency#, has certified that the improvement is substantially complete and usable by the public.

#### 66-42

##### **Termination of a Transit Volume**

In the event that the #transit agency# and the Chairperson of the City Planning Commission jointly notify, in writing, the owner of the #zoning lot# and the Department of Buildings that a #transit volume# is not needed on such #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Section shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the #transit agency# to the extinguishment of the #transit volume#.

Where initially determined that an #easement volume# is needed on any #zoning lot# which has been #developed#, #enlarged# or #converted# in accordance with the provisions of this Chapter, where termination of such #easement volume# has been certified pursuant to this paragraph, the #use# provisions of Section 66-221 (Temporary uses) and Section 66-222 (Special use allowances around easement volumes) shall continue to apply to any floor space in a previously needed #easement volume# and around such #easement volume# where special #uses# allowances are permitted in #Residence Districts# pursuant to this Chapter. Additionally, any floor space in a previously needed #easement volume# shall continue to be exempt from the definition of #floor area#, and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously needed volume is located within a #building#, the ground floor space shall be subject to all applicable ground floor level requirements of this Resolution.

#### 66-43

##### **Annual Reporting**

The #transit agency# shall submit annually to the Chairperson of the City Planning Commission and to the City Council a report containing an inventory of all #easement volumes# established through the provisions of this Chapter and describing the status of improvements within all such #easement volume#.

#### 66-50

##### **SPECIAL APPROVALS**

For #qualifying transit improvement sites#, a #floor area# bonus may be granted, either by authorization or special permit, authorized by the City Planning Commission pursuant to Section 66-51 (Additional Floor Area for Mass Transit Improvements) where major #mass transit station# improvements are provided pursuant to Section 66-51 (Additional Floor Area for Mass Transit Improvements).

For all applications pursuant to the provisions of Sections 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) or 66-51, additional modifications may be granted by the City Planning Commission, either by authorization or special permit, pursuant to Section 66-52 (Additional Modifications).

#### **66-51**

##### **Additional Floor Area for Mass Transit Station Improvements**

For #developments# or #enlargements# located on #qualifying transit improvement sites#, the City Planning Commission may grant a #floor area# bonus, by authorization, pursuant to Section 66-511 (Additional floor area for mass transit station improvements by authorization), or by special permit, pursuant to Section 66-512 (Additional floor area for mass transit station improvements by special permit). All such #floor area# bonuses shall comply with the conditions, findings and additional requirements set forth in Section 66-513 (Additional rules and limitations, conditions, findings and requirements).

#### **66-511**

##### **Additional floor area for mass transit station improvements by authorization**

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may authorize a #floor area# bonus in accordance with the provisions of paragraph (a) of this Section grant, by authorization, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent or 200,000 square feet of #floor area#, whichever is less, where a major improvement to a #mass transit station# is provided in accordance with paragraph (b). All applications for an authorization pursuant to this Section shall be subject to the conditions, application requirements, findings and additional requirements of paragraphs (c) through (e).

The provisions of Section 66-513 (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the authorization, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

#### **66-512**

##### **Additional floor area for mass transit station improvements by special permit**

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may grant, by special permit, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, without limitation on overall square footage, where a major improvement to a #mass transit station# is provided.

The provisions of Section 66-513 (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the special permit, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

#### **66-513**

##### **Additional rules and limitations, conditions, findings and requirements**

Any authorization or special permit application pursuant to the provisions of Section 66-511 (Additional floor area for mass transit

station improvements by authorization) or Section 66-512 (Additional floor area for mass transit station improvements by special permit), respectively, shall be subject to the following provisions.

(a) #Floor area# bonus Additional rules and limitations on bonus #floor area#

The City Planning Commission may authorize an increase in the maximum permitted #floor area ratio# on a #qualifying transit improvement site#, up to a maximum of 20 percent. Such #floor area# bonus shall additionally be subject to the following:

The following rules and limitations on bonus #floor area# shall apply in addition to the provisions set forth in Sections 66-511 and 66-512:

- (1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#;
- (2) The #floor area# bonus may be used in combination with other #floor area# bonuses, provided that the maximum #floor area ratio# permitted through the combination of bonuses does not exceed 20 percent of the maximum #floor area ratio# otherwise permitted on the #zoning lot#. However, such 20 percent limitation shall not apply:
  - (i) where explicitly stated otherwise in a Special Purpose District; or
  - (ii) within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#;
- (3) Within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#, the #residential# #floor area ratio# used to calculate the maximum permitted #floor area# bonus shall be the maximum #residential# #floor area ratio# set forth in paragraph (a) or (b) of Section 23-154 (Inclusionary Housing), as applicable; and
- (4) For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# authorized granted under the provisions of this Section.

For the purposes of applying this paragraph to applications seeking an authorization pursuant to Section 66-511, notwithstanding the above allowances, in no event shall the amount of bonus #floor area# exceed 200,000 square feet.

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate #mass transit station#, that shall be characteristic of current best practice in mass transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a #mass transit station# that is not in compliance with the Americans with Disabilities Act,



accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, or rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the applicable #transit agency# and the City Planning Commission.

(c) Application requirements

All applications for an authorization pursuant to this Section shall include the following:

- (1) Prior to submitting an application for an authorization pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the #transit agency# and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.
- (2) At the time of application referral or certification, the Commission shall be provided with the following application materials:
  - (i) a letter from the #transit agency# containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;
  - (ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and
  - (iii) initial plans for the maintenance of the proposed improvements.
- (3) Where a #transit volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes), the applicant shall provide materials sufficient to demonstrate the relationship between the proposed on-site improvement and such #transit volume#.

(d) Findings

In order to grant such authorization #floor area# bonus, the Commission shall find that:

- (1) the public benefit derived from the #mass transit station# improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this the authorization or special permit;
- (2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress

routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and

- (3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality, will constitute significant enhancements to the station environment or its function.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

- (1) Prior to the granting of an authorization pursuant to this Section such #floor area# bonus, the following requirements shall be met:
  - (i) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and
  - (ii) The City Planning Commission shall be provided with a final letter of approval from the #transit agency# stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.
- (2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.
- (3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# authorized granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as

determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

Where an #easement volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes) or Section 66-31 (Determination and Certification for Optional Transit Volumes), the provisions of paragraph (b) of Section 66-41 (Construction, Maintenance and Other Obligations) shall not apply.

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

#### **66-52** **Additional Modifications**

In conjunction with any application pursuant to Section 66-21 (Determination and Certification for Transit Volumes), 66-31 (Determination and Certification for Optional Transit Volumes) and 66-51 (Additional Floor Area for Mass Transit Station Improvements), modifications may be granted pursuant to Section 66-521 (Authorization for transit-adjacent sites or qualifying transit improvement sites) or Section 66-522 (Special permit for transit-adjacent sites or qualifying transit improvement sites).

#### **66-521** **Authorization for transit-adjacent sites or qualifying transit improvement sites**

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may authorize the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) Conditions and limitations

Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations. Any additional height permitted pursuant to Section 66-235 (Special height and setback modifications) shall not be included in such percentage increase, but may be applied in addition to the resulting #building# height limits.

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

- (1) such proposed modifications are the minimum extent necessary to

- (i) reasonably accommodate an #easement volume#, including any associated access thereto; or
- (ii) where improvements to #mass transit stations# are provided, reasonably accommodate the additional #floor area# authorized granted pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);
- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;
- (3) any modifications to #bulk# regulations will not unduly obstruct access of light and air to surrounding #streets# and properties; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

## **66-522**

### **Special permit for transit-adjacent sites or qualifying transit improvement sites**

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the application requirements of paragraph (a) and the findings set forth in paragraph (b) of this Section are met.

#### (a) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

#### (b) Findings

The Commission shall find that:

- (1) such proposed modifications are necessary
  - (i) to facilitate an #easement volume#, including any associated access thereto; or
  - (ii) where improvements to #mass transit stations# are provided, to accommodate the additional #floor area# authorized granted pursuant to the provisions of Section 66-51

(Additional Floor Area for Mass Transit Station Improvements):

- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;
- (3) any modifications to #bulk# regulations:
  - (i) will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area; and
  - (ii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the surrounding area; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

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

\* \* \*

**ARTICLE VII  
ADMINISTRATION**

\* \* \*

**Chapter 4  
Special Permits by the City Planning Commission**

\* \* \*

**74-60  
PUBLIC SERVICE OR TRANSPORTATION FACILITIES**

\* \* \*

**74-63  
Bus Stations**

\* \* \*

**~~74-634  
Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan~~**

[Replaced by various provisions of Article VI, Chapter 6]

The City Planning Commission may grant, by special permit, a ~~floor area~~ bonus not to exceed 20 percent of the basic maximum ~~floor area ratio~~ permitted by the underlying district regulations, and may waive or modify the provisions of Article III, Chapter 7 (Special Regulations), and the ~~street wall~~ continuity provisions of Sections 81-43 (Street Wall Continuity Along Designated Streets), 91-31 (Street Wall Regulations) or 101-41 (Special Street Wall Location Regulations) for ~~developments~~ or ~~enlargements~~ located on ~~zoning lots~~ where major improvements to adjacent subway stations are provided in accordance with the provisions of this Section. For the purposes of this Section, "adjacent" shall mean that upon completion of the improvement, the ~~zoning lot~~ will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway. Subway stations where such improvements may be constructed are those stations located within the ~~Special Midtown District~~ as listed in Section 81-292 (Subway station improvements), the ~~Special Lower Manhattan District~~ as listed in Section 91-43 (Off-street Relocation or Renovation of a Subway Stair), the ~~Special Downtown Brooklyn District~~ as listed in Section 101-211 (Special permit for subway station improvements), the ~~Special Union Square District~~ as listed in Section 118-50 and those stations listed in the following table:

<del>Station</del>	<del>Line</del>
<del>8th Street</del>	<del>Broadway-60th Street</del>
<del>23rd Street</del>	<del>Broadway-60th Street</del>
<del>23rd Street</del>	<del>Lexington Avenue</del>
<del>28th Street</del>	<del>Lexington Avenue</del>
<del>33rd Street</del>	<del>Lexington Avenue</del>
<del>34th Street Penn Station</del>	<del>8th Avenue</del>
<del>59th Street/Lexington Avenue (60th St)</del>	<del>Lexington Avenue and Broadway-60th Street</del>

The selection of subway station improvements shall be on a case-by-case basis and shall be subject to the approval of the Metropolitan Transportation Authority, New York City Transit and the City Planning Commission. All such improvements shall comply with all applicable design standards of the current station planning guidelines of New York City Transit.

(a) ~~Pre-application requirements~~

Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority, New York City Transit and the Chairperson of the City Planning Commission.

(b) ~~Requirements for application~~

An application for a special permit pursuant to this Section shall include a letter from New York City Transit to the City Planning Commission containing conceptual approval of the improvement and a statement of any special considerations regarding New York City Transit's future operation of the improvement. The applicant shall submit all information and justification sufficient to enable the Commission to:

- (1) ~~evaluate the benefits to the City;~~
- (2) ~~determine the appropriate amount of bonus floor area;~~ and
- (3) ~~where applicable, assess the advantages and disadvantages of waiving or modifying street wall continuity requirements.~~

(e) Conditions

- (1) Within the #Special Midtown District#, for a #development# or #enlargement# within the Theater Subdistrict on a #zoning lot# containing a theater designated as listed pursuant to Section 81-742 (Listed theaters), the Commission shall find that the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) have been met.
- (2) Within the #Special Midtown District#, for a #development# or #enlargement# located on a #zoning lot# divided by a Theater Subdistrict Core boundary, as defined in Section 81-71 (General Provisions), the amount of #lot area# eligible for bonus #floor area# shall not exceed an amount equal to twice the #lot area# of that portion of the #zoning lot# located outside the Theater Subdistrict Core.

(d) Findings

- (1) In determining the amount of #floor area# bonus, the City Planning Commission shall consider the degree to which:
  - (i) the general accessibility and security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and
  - (ii) significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the #street# level entryway into the #development# or #enlargement# will occur.
- (2) In determining modifications to the requirements of Article III, Chapter 7 (Special Regulations), the Commission shall find that the provisions of a subway improvement cannot be accommodated without modification to these requirements.
- (3) In determining modifications to the #street wall# continuity provisions of Section 81-43 in the #Special Midtown District#, Section 91-31 (Street Wall Regulations) in the #Special Lower Manhattan District# or Section 101-41 in the #Special Downtown Brooklyn District#, the Commission shall find that the modification will permit the proposed design to provide for access of daylight and air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of #street wall# and retail continuity.

(e) Procedural requirements

Prior to the granting of a special permit, the City Planning Commission shall be provided with the following:

- (1) a letter from New York City Transit stating that the drawings and other documents submitted by the applicant have been determined by New York City Transit to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the subway

~~improvement in accordance with such submission is feasible; and~~

- (2) ~~a legally enforceable instrument running with the land and signed by the applicant and all parties in interest, other than parties in interest who have waived and subordinated their interests, containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and provide capital maintenance for the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.~~

(f) ~~Recordation and completion procedures~~

~~Any instrument creating a transit easement on the #zoning lot# shall be recorded against the #zoning lot# in the Office of the Register of the City of New York and a certified copy of the instrument shall be submitted to the City Planning Commission and New York City Transit. The applicant shall not apply for nor accept a temporary certificate of occupancy for the bonus #floor area#, and the Department of Buildings shall not issue such a temporary certificate of occupancy, until New York City Transit has determined that the bonused subway improvement is substantially complete which shall, for this purpose, mean open to and usable by the public.~~

~~The applicant shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue such permanent certificate of occupancy, until the bonused subway improvement has been completed in accordance with the approved plans and such completion has been certified by New York City Transit.~~

~~The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.~~

\* \* \*

**ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Midtown District**

81-00  
GENERAL PURPOSES

\* \* \*

81-02  
General Provisions

**81-021  
Applicability of underlying district regulations**



Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

The regulations of the districts set forth below are applicable in the following Midtown districts unless modified by this Chapter:

Midtown Districts	Districts Whose Regulations Apply
C5P C5-2.5	C5-2
C6-4.5	C6-4
C6-5.5	C6-5
C6-6.5	C6-6
C6-7T	C6-7

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

## 81-022

### Applicability of Special Transit Land Use District regulations

Except as otherwise provided in paragraphs (a), (b) or (c) of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as designated on the #zoning map# by the letters "MiD-TA", the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

- (a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:
- (1) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section 81-46 (Off-street Relocation or Renovation of a Subway Stair); or
  - (2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a ~~subway station~~ #mass transit station# improvement in accordance with the provisions of ~~Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan)~~ Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

\* \* \*

81-06  
Applicability of Article VII Provisions

\* \* \*

**81-066**

**Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7**

\* \* \*

(b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict, which have been ~~granted~~ authorized granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541 ~~in accordance with Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan)~~, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

\* \* \*

81-20

**BULK REGULATIONS**

81-21

Floor Area Ratio Regulations

\* \* \*

**81-211**

**Maximum floor area ratio for non-residential or mixed buildings**

- (a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.
- (b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS

	Maximum #Floor Area Ratio# (FAR)				
Means for Achieving Permitted FAR Levels on a #Zoning Lot#	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0
B. Maximum As-of-Right #Floor Area# Allowances: (District-wide Incentives), #Public plazas# - Section 81-23	-	1.0 <sup>1,2</sup>	1.0 <sup>1,3</sup>	-	1.0 <sup>2</sup>

C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0 <sup>1,2,7</sup>	13.0 <sup>1,3</sup>	14.0	16.0
D. Maximum <del>Special Permit</del> #Floor Area# Allowances by <u>Authorization</u> :(District-wide Incentives), <del>Subway station improvements - Section 74-634</del> #Mass Transit Station# <u>Improvements - Section 66-51</u>	<u>1.6</u>	2.0 <sup>±6</sup>	2.4 <sup>±</sup>	<u>2.8</u>	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives	<del>8.0</del> <u>9.6</u>	12.0	14.4	<del>14.0</del> <u>16.8</u>	18.0
F. Maximum <del>Special Permit</del> #Floor Area# Allowances by <u>Authorization</u> in Penn Center Subdistrict: #Mass Transit Facility Station# <u>Improvement - Section 74-634 Section 81-541</u>	-	2.0	-	-	3.0
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:	-	12.0	-	-	18.0
H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:					
Development rights (FAR) of a "granting site" - Section 81-744	-	10.0	12.0	14.0	15.0
Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" - Section 81-744(a)	-	2.0	2.4	2.8	3.0
Inclusionary Housing - Sections 23-90 and 81-22	-	2.0 <sup>4</sup>	-	-	-
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict	-	12.0	14.4	16.8	18.0
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor - Section 81-744(b)	-	2.4	-	-	-

K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations	-	14.4	14.4	16.8	18.0
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict: Rehabilitation of "listed theaters" Section 81-745	-	4.4	2.4	2.8	3.0
M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives	8.0 <u>9.6</u>	14.4 <sup>8</sup>	14.4	16.8	18.0
N. Maximum FAR of Lots Involving Landmarks:					
Maximum FAR of a lot containing non-bonusable landmark - Section 74-711 or as -of-right	8.0	10.0	12.0	14.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes - Section 74-79	8.0	10.0	13.0 <sup>5</sup>	14.0	16.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on an "adjacent lot" - Section 74-79	1.6	2.0	2.4	No Limit	No Limit
O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of Right Incentives	9.6	14.4 <sup>8</sup>	14.4	No Limit	No Limit

<sup>1</sup> Not available for #zoning lots# located wholly within Theater Subdistrict Core

<sup>2</sup> Not available within the Eighth Avenue Corridor

<sup>3</sup> Not available within 100 feet of a #wide street# in C5-2.5 Districts

<sup>4</sup> Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#

<sup>5</sup> 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core

<sup>6</sup> ~~Not available on west side of Eighth Avenue within the Eighth Avenue Corridor within R10 Districts outside of #Inclusionary Housing designated areas# the permitted #floor area# bonus shall be calculated in accordance with Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)~~

<sup>7</sup> 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public spaces)

<sup>8</sup> ~~for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, such maximum #floor area ratio# shall only be permitted through combination with Inclusionary Housing~~

~~81-29  
Incentives by Special Permit for Provisions of Public Amenities~~

**81-291  
General provisions and procedures**

~~The City Planning Commission may grant special permits authorizing, for #non-residential# or #mixed buildings#, #floor area# bonuses in accordance with the provisions of this Section.~~

**81-292  
Subway station improvements**

[Replaced by various provisions of Article VI, Chapter 6]

~~Except in the Preservation Subdistrict and except for #zoning lots# wholly within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), the City Planning Commission may grant special permits for #floor area# bonuses for #non-residential# or #mixed buildings#, in accordance with the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).~~

~~The subway stations where such improvements are permitted are listed in the following table and shown on Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.~~

**MIDTOWN SUBWAY STATIONS**

Station	Line
<del>34th Street Penn Station</del>	<del>Broadway 7th Avenue</del>
<del>34th Street Penn Station</del>	<del>8th Avenue</del>
<del>34th Street Herald Square</del>	<del>6th Avenue/Broadway 60th Street</del>
<del>42nd Street Times Square/42nd Street Port Authority Bus Terminal</del>	<del>Broadway 7th Ave/Broadway/8th Ave/42nd Street Shuttle</del>
<del>42nd Street Bryant Park/Fifth Avenue</del>	<del>6th Avenue/Flushing</del>
<del>42nd Street Grand Central</del>	<del>Lexington Avenue/Flushing/42nd Street Shuttle</del>
<del>47th 50th Street Rockefeller Center</del>	<del>6th Avenue</del>
<del>49th Street</del>	<del>Broadway 60th Street</del>
<del>50th Street</del>	<del>8th Avenue</del>

<del>50th Street</del>	<del>Broadway 7th Avenue</del>
<del>7th Avenue</del>	<del>53rd Street</del>
<del>Fifth Avenue 53rd Street</del>	<del>53rd Street</del>
<del>51st Street/Lexington Avenue 53rd Street</del>	<del>53rd Street/Lexington Avenue</del>
<del>57th Street</del>	<del>Broadway 60th Street</del>
<del>57th Street</del>	<del>6th Avenue</del>
<del>59th Street Columbus Circle</del>	<del>Broadway 7th Avenue/8th Avenue</del>

\* \* \*

81-40  
MANDATORY DISTRICT PLAN ELEMENTS

\* \* \*

**81-42**  
**Retail Continuity Along Designated Streets**

For #buildings developed# or #enlarged# after May 13, 1982, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon a designated retail #street# (see Appendix A, Map 3), #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Museums and libraries shall be permitted. A #building's street# frontage shall be allocated exclusively to such #uses#, except for:

- (a) lobby space or entrance space;
- (b) entrance areas to subway station improvements for which bonus #floor area# is granted and #street wall# continuity restrictions waived pursuant to Sections ~~74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan)~~ 66-51 (Additional Floor Area for Mass Transit Station Improvements) and ~~81-292 (Subway station improvements)~~;

\* \* \*

81-43  
Street Wall Continuity Along Designated Streets

\* \* \*

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), subject to the setback restrictions of this Section and to the minimum width of the #street wall# subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station or a rail mass transit facility improvement for which bonus #floor area# is granted, in accordance with the provisions of Sections ~~74-634 (Subway station improvements in Downtown Brooklyn and Commercial Districts of 10 FAR and above in Manhattan)~~ 66-51 (Additional Floor Area for Mass Transit Station Improvements), ~~81-292 (Subway station improvements)~~ and 81-542 (Retention of floor area bonus for plazas or other public spaces), or an off-street improvement of access to a rail mass transit facility that has been certified in accordance with Section 81-48.

\* \* \*

81-50  
SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT

\* \* \*

81-54  
Floor Area Bonus in the Penn Center Subdistrict

**81-541**  
**Rail mass transit facility improvement Mass transit station improvements**

In addition to the provisions of Section 81-29 (Incentives by Special Permit for Provisions of Public Amenities), the City Planning Commission may grant #floor area# bonuses for subway station and/or rail mass transit facility improvements for #non-residential# or #mixed buildings#, in accordance with Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), and may modify or waive the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) in accordance with the provisions of Section 74-634, provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility.

Prior to granting a special permit, the City Planning Commission shall be provided with:

- (a) a letter from each entity that operates the rail mass transit facility confirming that the drawings of the subway and/or rail mass transit improvement are of sufficient scope and detail to describe the layout and character of the improvements and that the proposed implementation of the improvements is physically and operationally feasible, and
- (b) a legally enforceable instrument containing:
  - (1) drawings of the improvements, as approved by the transit operator;
  - (2) provisions that all easements required for the on-site improvements will be conveyed and recorded against the property;
  - (3) the obligations of the applicant to construct, maintain and provide capital maintenance for the improvements; and
  - (4) a schedule for completion of the improvements and a requirement that a performance bond or other appropriate security be provided to ensure the completion of the improvements.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For the purposes of this Section, improvements to any rail mass transit facility #mass transit station# on a #zoning lot# #qualifying transit improvement site# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section 74-634 66-51, as modified herein. For #zoning lot# #qualifying transit improvement site# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such #zoning lot# #qualifying transit improvement site#. In addition, if a subway and/or rail mass transit #mass transit station# improvement has been constructed in accordance with an approved special permit authorization or special permit and has received a Notice of Substantial Completion in accordance with the provisions of Section 74-634 66-51, the bonus #floor area# may be retained at the full amount granted by the special permit authorization or special permit and may be utilized elsewhere on the #zoning lot# #qualifying transit improvement site# subject to any applicable review and approval process for such #development# or #enlargement#.

\* \* \*

81-60

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

\* \* \*

81-63  
Special Floor Area Provisions for the Vanderbilt Corridor Subarea

For non-residential buildings or mixed buildings in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum floor area ratios of the underlying districts shall apply as set forth in this Section. Such basic maximum floor area ratio on any zoning lot may be increased by bonuses or other floor area allowances only in accordance with the provisions of this Chapter, and the maximum floor area ratio with such additional floor area allowances shall in no event exceed the amount set forth for each underlying district in the following table:

Means for Achieving Permitted FAR Levels on a Zoning Lot in the Vanderbilt Corridor Subarea	Maximum Floor Area Ratio (FAR)
A. Basic Maximum FAR	15
B. Maximum Special Permit Authorization Floor Area Allowances: (District-wide Incentives), Subway station Mass transit station improvements (Section 74-634 66-51)	3.0
* * *	

\* \* \*

81-64  
Special Floor Area Provisions for Qualifying Sites

\* \* \*

**81-644**  
**Special permit for transit improvements**

For qualifying sites located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit a floor area bonus in accordance with the provisions of this Section, where a major improvement to a subway or mass rail transit facility is provided in accordance with the conditions of paragraph (b). All applications for a special permit pursuant to this Section shall be subject to the conditions, application requirements, findings and additional requirements of paragraphs (c) through (e). an increase in the amount of floor area ratio permitted on such zoning lots, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right floor area ratio for qualifying sites set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

(a) Floor area bonus

The City Planning Commission may permit an increase in the amount of floor area ratio permitted on a qualifying site, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites).



(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate subway or rail mass transit facility, that shall be characteristic of current best practice in mass-transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a subway or rail mass transit facilities that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, or rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the Metropolitan Transportation Authority (MTA) and the City Planning Commission.

(c) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

- (1) Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the MTA and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.
- (2) At the time of certification, the Commission shall be provided with the following application materials:
  - (i) a letter from the MTA containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;
  - (ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and
  - (iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

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

- (1) the public benefit derived from the improvements to a subway or rail mass transit facility merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;
- (2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the subway or rail mass transit facility; and
- (3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality, will

constitute significant enhancements to the station environment or its function.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

- (1) Prior to the granting of a special permit pursuant to this Section, the following requirements shall be met:
  - (i) To the extent required by the MTA, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the MTA. Where the MTA deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA; and
  - (ii) The City Planning Commission shall be provided with a final letter of approval from the MTA stating that the drawings and other documents submitted by the applicant have been determined by the MTA to be of sufficient scope and detail to fix and describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.
- (2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the MTA pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.
- (3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the MTA, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, where applicable.

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

\* \* \*

81-65  
Special Floor Area Provisions for All Non-qualifying Sites

For non-residential buildings or mixed buildings on non-qualifying sites in the East Midtown Subdistrict, the basic maximum floor area ratios of the underlying districts shall apply as set forth in this Section. Such basic maximum floor area ratio on any zoning lot may be increased by bonuses or other floor area allowances only in accordance with the provisions of this Chapter, and the maximum floor area ratio with such additional floor area allowances shall in no event exceed the amount set forth for each underlying district in the following table:

	Grand Central Core Area		Any Other Area	
Means for achieving permitted FAR on a zoning lot for all other sites	C5-3 C6-4.5	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
A. Basic Maximum FAR	15	12	15	12
B. Additional FAR for provision of a public plaza (Section 81-651)	--	--	1	1
C. Total as-of-right FAR	15	12	16	13
D. Additional FAR for subway station mass transit station improvements through special permit authorization (Section 81-652)	3	2.4	3	2.4
E. Maximum FAR of a landmark or other structure for transfer purposes (Sections 74-79 and 81-653)	15	12	16	13
F. Maximum amount of transferable development rights from a landmark zoning lot that may be utilized on an adjacent lot (Sections 74-79 and 81-653)	No limit	2.4	No limit	2.4
G. Maximum FAR permitted on an adjacent lot	No limit	14.4	No limit	14.4

\* \* \*

**81-652**

**Floor area bonus for ~~subway station~~ mass transit station improvements**

For ~~non-qualifying sites~~, the City Planning Commission may permit an increase in the amount of ~~floor area ratio~~ permitted on such ~~zoning lots~~, up to the amount specified in Row D of the table in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

For developments or enlargements on non-qualifying sites that are qualifying transit improvement sites, a floor area bonus for mass transit station improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

81-70

**SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

\* \* \*

81-74

**Special Incentives and Controls in the Theater Subdistrict**

\* \* \*

**81-743**

**Required assurances for continuance of legitimate theater use**

Prior to the issuance of any special permit under the provisions of Sections 81-745 (Floor area bonus for rehabilitation of existing listed theaters) or 81-747 (Transfer of development rights from landmark theaters), or the issuance of a certification, or authorization or special permit under the provisions of Sections 66-51 (Additional Floor Area for Mass Transit Station Improvements), 81-744 (Transfer of development rights from listed theaters), or 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries) the following conditions shall exist:

\* \* \*

Chapter 2

Special Lincoln Square District

82-00

**GENERAL PURPOSES**

\* \* \*

82-02  
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

82-10  
MANDATORY DISTRICT IMPROVEMENTS

\* \* \*

82-13  
Special Provisions for a Transit Easement

~~Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.~~

\* \* \*

82-30  
SPECIAL BULK REGULATIONS

\* \* \*

82-32  
Special Provisions for Increases in Floor Area

No #floor area# bonuses shall be permitted within the #Special Lincoln Square District# except as provided in this Section. The following #floor area# increases may be used separately or in combination, ~~provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0.~~

- (a) #Floor area# increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90.

- (b) #Floor area# bonus for public amenities

~~On a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine,~~

~~platform, concourse or connecting passageway, where no tracks intervene to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), grant a maximum of 20 percent #floor area# bonus.~~

~~For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:~~

- ~~(1) the direct construction cost of the public amenity;~~
- ~~(2) the cost of maintaining the public amenity; and~~
- ~~(3) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to, or reconfigurations of, circulation space, including the provision of escalators or elevators.~~

~~For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).~~

\* \* \*

Chapter 3  
Special Limited Commercial District

\* \* \*

83-00  
GENERAL PURPOSES

\* \* \*

83-02  
General Provisions

~~#Special Limited Commercial Districts# may only be mapped in #Commercial Districts# within areas, or portions of areas, designated by the Landmarks Preservation Commission as "Historic Districts" pursuant to Chapters 8A or 63 of the New York City Charter and Chapter 8A of the New York City Administrative Code.~~

~~In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Limited Commercial District# and in accordance with the provisions of this Chapter, certain specified #use#, #sign# and enclosure regulations of the districts on which #Special Limited Commercial Districts# are superimposed are made inapplicable, and are superseded by the #use#, #sign# and enclosure regulations of the #Special Limited Commercial District# as set forth in this Chapter.~~

~~In addition to meeting the #use#, #sign# and enclosure regulations as set forth in this Chapter, each #building# shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.~~

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

## Chapter 6 Special Forest Hills District

\* \* \*

### 86-00 GENERAL PURPOSES

\* \* \*

#### 86-02 General Provisions

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Any special permit granted by the Board of Standards and Appeals before March 24, 2009, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

\* \* \*

## Chapter 8 Special Hudson Square District

### 88-00 GENERAL PURPOSES

\* \* \*

#### 88-02 General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

\* \* \*

88-30  
SPECIAL BULK REGULATIONS

\* \* \*

88-31  
Floor Area Regulations

Except in Subdistrict A of this Chapter, the maximum #floor area# ratio for #zoning lots# that do not contain #residences# shall be 10.0; ~~no #floor area# bonuses shall apply.~~

The maximum base #floor area ratio# for #zoning lots# that contain #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 88-32 (Inclusionary Housing).

For any #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For #zoning lots# that contain #residences#, such bonus may be applied separately or in combination with the #floor area# provisions of Section 88-32. No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

**88-311**  
**Special floor area regulations in Subdistrict A**

For #zoning lots# in Subdistrict A of this Chapter that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; ~~no #floor area# bonuses shall.~~

For #zoning lots# in Subdistrict A containing #residences#, the maximum #floor area ratio# shall be 9.0 plus an amount equal to 0.25 times the non-#residential# #floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0.

For any #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Additionally, Any any floor space designated for #use# as a #school# shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#, provided that such school is either:

- (a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or



(b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

Chapter 1  
Special Lower Manhattan District

91-00  
GENERAL PURPOSES

\* \* \*

91-01  
General Provisions

\* \* \*

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

\* \* \*

91-20  
FLOOR AREA AND DENSITY REGULATIONS

\* \* \*

91-22  
Floor Area Increase Regulations

The basic maximum #floor area ratio# (FAR) of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified in the table in this Section.

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in this table. Wherever there may be an inconsistency between any provision in Section 74-79 and the table, the provisions of the table shall apply.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT

BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict				Historic & Comm Core	South Street Seaport Subdistrict and waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4		C5-5	C2-8	C4-6	C6-2A	C5-3
Basic maximum FAR	6.02 <sup>1</sup> 6.5 <sup>3</sup>	10.0 <sup>2,3</sup>	10.0 <sup>4</sup> 15.0 <sup>2,3</sup>	2.0 <sup>2</sup> 6.5 <sup>3</sup>	10.0 <sup>4</sup> 15.0 <sup>2,3</sup>	2.0 <sup>2</sup> 3. 10.0 <sup>4</sup>	3.4 2,3,4	6.0 <sup>2</sup> 6.02 <sup>4</sup> 6.5 <sup>3</sup>	10.0 <sup>4</sup> 15.0 <sup>2,3</sup>	15.0
Maximum as-of-right #floor area# bonus for #public plazas#	NA	2.0	3.0	NA	NA	NA	NA	NA	NA	NA
Maximum as-of-right #floor area# bonus for Inclusionary Housing (23-90)	NA	2.0	NA	NA	NA	NA	NA	NA	NA	NA
Maximum FAR with as-of-right #floor area# bonuses	6.02 <sup>1</sup> 6.5 <sup>3</sup>	12.0	18.0	2.0 <sup>2</sup> 6.5 <sup>3</sup>	15.0	2.0 <sup>2</sup> 3. 10.0 <sup>4</sup>	3.4	6.0 <sup>2</sup> 6.02 <sup>4</sup> 6.5 <sup>3</sup>	15.0	15.0
Maximum special permit #floor area# bonuses by authorization or special permit: subway station #mass transit station# improvements and #covered pedestrian spaces#	NA	2 <sup>8</sup>	3.0	NA	3.0	2.0 <sup>2</sup>	NA	NA	NA	3.0
Maximum FAR with as-of-right, and/or authorization or special permit #floor area# bonuses	6.02 <sup>1</sup> 6.5 <sup>3</sup>	12.0 <sup>10</sup>	18.0	2.0 <sup>2</sup> 6.5 <sup>3</sup>	18.0	2.0 <sup>2</sup> 10.0 <sup>4</sup> 1	3.4	6.0 <sup>2</sup> 6.02 <sup>4</sup> 6.5 <sup>3</sup>	15.0 18.0	15.0 18.0

Development rights (FAR) of a landmark lot for transfer purposes (74-79)	NA	10.0	15.0 18.0 <sup>6</sup>	NA	15.0	NA	NA	NA	NA	NA
Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (91-60)	NA	NA	NA	NA	NA	NA	3.4	8.02 <sup>7</sup>	21	21
Maximum FAR with transferred development rights from landmark #zoning lot# and as-of-right and <u>authorization or special permit</u> #floor area# bonuses	6.02 <sup>1</sup> 6.5 <sup>3</sup>	14.0 <sup>10</sup>	21.6	2.4 <sup>2</sup> 7.8 <sup>3</sup>	21.6		3.4	8.02	21.6 <sup>7</sup>	21.6 <sup>7</sup>

<sup>1</sup> maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3

<sup>2</sup> for a #commercial# or, where permitted, #manufacturing use#

<sup>3</sup> for a #community facility use#

<sup>4</sup> for a #residential use#

<sup>5</sup> if receiving lot is located in a zoning district with a basic maximum FAR of less than 15

<sup>6</sup> if receiving lot is located in a zoning district with a basic maximum FAR of 15

<sup>7</sup> maximum FAR for receiving lots less than 30,000 square feet

<sup>8</sup> for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), the maximum #floor area# bonus shall be 2.4 FAR

<sup>9</sup> only pursuant to Section 66-51

<sup>10</sup> for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, the maximum FAR may be increased through a combination with Inclusionary Housing, in accordance with the provisions of such Section.

\* \* \*

91-25  
Special Permit Bonuses for Increased Floor Area

\* \* \*

**91-251**  
**Special permit for subway station improvements**

[Replaced by various provisions of Article VI, Chapter 6]

Within the #Special Lower Manhattan District#, the City Planning Commission may grant, by special permit, a #floor area# bonus for #zoning lots# that provide subway station improvements, pursuant to the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Maximum Floor Area Ratio) or 91-22 (Floor Area Increase Regulations).

For the purposes of the Special District, the #zoning lot# that will receive the #floor area# bonus shall be located within a #Commercial District# with a #floor area ratio# of 10.0 or above and shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.

The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix A.

STATION	LINE
Bowling Green	Lexington Avenue
Broad St	Nassau Street
Broadway-Nassau Street	8th Avenue
Fulton Street	Nassau Street/Broadway-7th Ave/ Lexington Ave
Brooklyn Bridge-City Hall	Lexington Avenue
Chambers Street	Nassau Street
Chambers Street	Broadway-7th Avenue
Chambers Street	8th Avenue
Park Place	Broadway-7th Avenue
World Trade Center	8th Avenue
City Hall	Broadway-60th Street
Cortlandt Street-WTC	Broadway-7th Avenue
Cortlandt Street	Broadway-60th Street
Rector Street	Broadway-7th Avenue

Rector Street	Broadway-60th Street
Wall Street	Broadway-7th Avenue
Wall Street	Lexington Avenue
Whitehall Street-South Ferry	Broadway-7th Avenue/ Broadway-60th Street

**91-252**

**Special permit for covered pedestrian space**

\* \* \*

Chapter 2  
Special Park Improvement District

92-00  
GENERAL PURPOSES

\* \* \*

92-02  
General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For the purposes of this Chapter, Duke Ellington Circle, located at the intersection of Fifth Avenue and East 110th Street, shall be considered a separate #street#.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

92-04  
Special Bulk Provisions

**92-041**  
**Maximum Floor Area Ratio**

The maximum #floor area ratio# for any #zoning lot# shall not exceed 10.0. No #floor area# bonuses shall be permitted. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

Chapter 3  
Special Hudson Yards District

93-00  
GENERAL PURPOSES

\* \* \*

93-02  
General Provisions

The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

93-20  
SPECIAL FLOOR AREA REGULATIONS

\* \* \*

93-22  
Floor Area Regulations in Subdistricts B, C, D, E and F

\* \* \*

**93-222**  
**Maximum floor area ratio in the 34th Street Corridor Subdistrict C**

In the 34th Street Corridor Subdistrict C, the basic maximum #floor area ratios# of #non-residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, pursuant to Sections 93-31 (District Improvement Fund Bonus) and 23-154 (Inclusionary Housing), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), as follows:

- (a) the #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase, pursuant to Section 93-31, there is a #floor area# increase of six square feet, pursuant to Section 23-154, as modified by Section 93-23; and

(b) any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such authorization #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

### 93-224

#### Maximum floor area ratio in the South of Port Authority Subdistrict E

In the South of Port Authority Subdistrict E, #residential use# shall only be permitted as part of a #development# or #enlargement# on a #zoning lot# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122 (Certification for residential use in Subdistricts A, B and E).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such authorization #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved, prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

Chapter 5  
Special Transit Land Use District

### 95-00 GENERAL PURPOSES

\* \* \*

95-02  
General Provisions

#Special Transit Land Use Districts# are mapped in the vicinity of existing or proposed subway stations. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

Whenever this Special District overlaps another Special District and imposes contradictory regulations, the provisions of the #Special Transit Land Use District# shall apply. Nothing contained in this regulation shall be understood to supersede Landmark or Historic District designations of the New York City Landmarks Preservation Commission.

For #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

95-05

Terms and Conditions for Permitted Uses and Construction Within Transit Easement Volume

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, elevators or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#, except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

The transit easement volume, any construction allowed therein or any weather protection provided thereon by an overhang or roofed area pursuant to Section 95-053, shall be considered permitted obstructions within required #yards#, #open space# or in a #public plaza# area.

\* \* \*

Chapter 6  
Special Clinton District

**96-00**  
**GENERAL PURPOSES**

\* \* \*

96-02  
General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

96-20  
PERIMETER AREA



\* \* \*

96-21  
Special Regulations for 42nd Street Perimeter Area

\* \* \*

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section 23-154 (Inclusionary Housing), except that any units for which a #floor area# increase has been earned, pursuant to Section 23-154 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

96-22  
Special Regulations for Eighth Avenue Perimeter Area

For #zoning lots#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Improvement Bonus). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Sections 81-21 (Floor Area Ratio Regulations) and 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). For #developments# or #enlargements# that utilize a #floor area# increase pursuant to the Inclusionary Housing Program of Section 23-90, any units for which a #floor area# increase has been earned shall be within the #Special Clinton District#.

\* \* \*

Chapter 7  
Special 125th Street District

**97-00**  
**GENERAL PURPOSES**

\* \* \*

97-02  
General Provisions

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the Special District shall apply within the Special District.

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

**97-40**  
**SPECIAL BULK REGULATIONS**

\* \* \*

97-42  
Additional Floor Area and Lot Coverage Regulations

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased pursuant to the #floor area# provisions of Section 97-421 (Inclusionary Housing) or paragraph (a) of Section 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) or (c), as applicable, of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Bonuses pursuant to Sections 66-51, 97-421 and 97-422 may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

Chapter 9  
Special Madison Avenue Preservation District

**99-00**  
**GENERAL PURPOSES**

\* \* \*

99-02  
General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

99-04  
Special Bulk Provisions

For the purposes of this Chapter, the maximum #floor area ratio# on a #zoning lot# shall not exceed 10.0. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Downtown Brooklyn District**

101-00  
GENERAL PURPOSES

\* \* \*

101-02  
General Provisions

The provisions of this Chapter shall apply within the #Special Downtown Brooklyn District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Whenever a #zoning lot# is divided by the boundary of the #Special Downtown Brooklyn District#, the requirements set forth in this Chapter shall apply, and shall apply only to that portion of the #zoning lot# within the #Special Downtown Brooklyn District#.

\* \* \*

101-20  
SPECIAL BULK REGULATIONS

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by

the provisions of this Section, inclusive.

Within #Mandatory Inclusionary Housing areas#, as shown on the map in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING) shall apply.

In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

101-21  
Special Floor Area and Lot Coverage Regulations

\* \* \*

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 9.0. No #floor area# bonuses shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0; ~~and no #commercial# or #community facility floor area# bonuses shall be permitted.~~ In addition, #residential floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing); ~~and no other #residential floor area# bonuses shall be permitted.~~

However, in the C6-9 District bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential floor area ratio# shall be 9.0. ~~No #floor area# bonuses shall be permitted.~~ However, on a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

No #floor area# bonuses shall be permitted except as authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

**101-211**

**Special permit for subway station improvements**

[Replaced by various provisions of Article VI, Chapter 6]

~~Within the #Special Downtown Brooklyn District#, the City Planning Commission may grant, by special permit, a #floor area# bonus for #buildings# that provide subway station improvements, pursuant to the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).~~

~~The total additional #floor area# permitted on the #zoning lot# shall not exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations.~~

~~For the purposes of the Special District, the #zoning lot# for the #development# that will receive the #floor area# bonus shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.~~

~~The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E of this Chapter.~~

<del>Station</del>	<del>Line</del>
<del>Borough Hall</del>	<del>Eastern Parkway</del>
<del>Court Street</del>	<del>Montague Street Tunnel</del>
<del>DeKalb Avenue</del>	<del>4th Avenue/Brighton</del>
<del>Hoyt Street</del>	<del>Eastern Parkway</del>
<del>Hoyt-Schermerhorn Street</del>	<del>Crosstown/Fulton Street</del>
<del>Jay St. MetroTech</del>	<del>Culver/Fulton Street</del>
<del>Lawrence Street</del>	<del>Montague Street Tunnel</del>
<del>Nevins Street</del>	<del>Eastern Parkway</del>
<del>Atlantic Ave-Pacific Street</del>	<del>4th Avenue/Brighton/Eastern Parkway</del>

\* \* \*

\* \* \*

104-00  
GENERAL PURPOSES

\* \* \*

104-02  
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

\* \* \*

Chapter 5  
Special Natural Area District

\* \* \*

105-00  
GENERAL PURPOSES

\* \* \*

105-02  
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

\* \* \*

When a #zoning lot# existing on the effective date of the Special District designation is subdivided into two or more #zoning lots#, an

application shall be submitted to the Commission for review and approval pursuant to Section 105-90 (FUTURE SUBDIVISION).

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

Chapter 7  
Special South Richmond Development District

\* \* \*

107-00  
GENERAL PURPOSES

\* \* \*

107-02  
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

\* \* \*

Chapter 9  
Special Little Italy District

109-00  
GENERAL PURPOSES

\* \* \*

109-02  
General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Little Italy District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Little Italy District# are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect.

For the purposes of this Chapter, the provisions of Sections 23-15, 23-20 and 33-13 are made inapplicable.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

109-30  
HOUSTON STREET CORRIDOR (Area B)

109-32  
Bulk Regulations

\* \* \*

**109-321**  
**Floor area regulations**

The maximum #floor area ratio# permitted on a #zoning lot# is 7.52 for #residential use#, 6.0 for #commercial use# and 7.5 for #community facility use#. In no event shall the total #floor area ratio# for all #uses# exceed 7.52. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

**ARTICLE XI**  
**SPECIAL PURPOSE DISTRICTS**

**Chapter 1**  
**Special Tribeca Mixed Use District**

111-00  
GENERAL PURPOSES

\* \* \*

111-02  
General Provisions

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article



VI, Chapter 4, shall control.

\* \* \*

111-20  
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

\* \* \*

(b) Area A2

The underlying regulations applicable to a C6-3 District shall apply to #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

~~No #floor area# bonuses shall be permitted in Area A2.~~

The maximum #floor area ratio# permitted shall be 7.52. In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions). No other #floor area# bonuses shall be permitted in Area A2.

\* \* \*

Chapter 3  
Special Ocean Parkway District

\* \* \*

113-00  
GENERAL PURPOSES

\* \* \*

113-01  
General Provisions

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable

and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

Chapter 4  
Special Bay Ridge District

\* \* \*

114-00  
GENERAL PURPOSES

\* \* \*

114-01  
General Provisions

In harmony with the general provisions and intent of this Resolution and the general purposes of the #Special Bay Ridge District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. The provisions of this Chapter shall apply to all #buildings#.

Except as modified by the provisions of this Chapter, the regulations of the underlying districts remain in effect.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

Chapter 5  
Special Downtown Jamaica District

115-00  
GENERAL PURPOSES

\* \* \*

115-01  
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Downtown Jamaica District#, the regulations of this Chapter shall apply within the #Special Downtown Jamaica District#. The regulations of all other chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Any special permit granted by the City Planning Commission before September 10, 2007, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

\* \* \*

115-20  
SPECIAL BULK REGULATIONS

\* \* \*

115-21  
Floor Area Ratio, Open Space and Lot Coverage

(a) Maximum #floor area ratio# for #zoning lots# containing non-#residential uses#

In C6-2 and C6-3 Districts, the underlying #floor area ratio# and #open space# provisions shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial# and #community facility uses#, separately or in combination, shall not exceed 6.0 in C6-2 Districts and 8.0 in C6-3 Districts. ~~No #floor area# bonuses shall be permitted.~~

In C6-4 Districts, the underlying #floor area ratio# provisions, ~~including #floor area# bonus provisions,~~ shall apply to #community facility uses#. For #commercial uses#, the maximum #floor area ratio# shall be 12.0, ~~and no #floor area# bonuses shall apply~~.

In M1-4 Districts, the maximum #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 2.0.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

(b) Maximum #floor area ratio# for #zoning lots# containing #residential uses#

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the #floor area ratio# set forth in Section 115-211 (Special Inclusionary Housing regulations) for the applicable district. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51. Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11.

\* \* \*

Chapter 6  
Special Stapleton Waterfront District

\* \* \*

116-00  
GENERAL PURPOSES

\* \* \*

116-02  
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control, except in Subarea E of this Chapter.

Within the #Special Stapleton Waterfront District#, the regulations of the underlying R6, C2-2, C4-2A and M2-1 Districts shall apply, as modified in this Chapter.

\* \* \*

Chapter 7  
Special Long Island City Mixed Use District

117-00  
GENERAL PURPOSES

\* \* \*

117-02  
General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the

provisions of Article VI, Chapter 4, shall control.

\* \* \*

117-50  
QUEENS PLAZA SUBDISTRICT

\* \* \*

117-52  
Queens Plaza Subdistrict Special Bulk Regulations

\* \* \*

**117-522**  
**Maximum floor area ratio for all uses**

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# and #residential uses# in accordance with the applicable designated district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES IN THE QUEENS PLAZA SUBDISTRICT

Area	Maximum #Floor Area Ratio#
A-1 A-2	12.0
B	8.0
C	5.0

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

Chapter 8  
Special Union Square District

118-00  
GENERAL PURPOSES

\* \* \*

118-01

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Union Square District# and in accordance with the provisions of this Chapter, certain specified #use#, #bulk# and #sign# regulations of the underlying district are made inapplicable and are superseded by the #use#, #bulk# and #sign# regulations of the #Special Union Square District# as set forth in this Chapter. In addition, special #street wall# transparency and location of entrance requirements are set forth in this Chapter. Except as modified by the express provisions of this Chapter, the underlying district regulations remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

118-20  
BULK REGULATIONS

118-21  
Floor Area Regulations

The maximum #floor area ratio# permitted on property bounded by:

- (a) Broadway, a line midway between East 14th Street and East 13th Street, a line 100 feet west of University Place, Union Square West and Broadway, a line midway between East 17th Street and East 18th Street, a line 100 feet east of Park Avenue South and Union Square East, East 15th Street, Union Square East, East 17th Street, Union Square West and East 14th Street is 8.0; and
- (b) Broadway, a line midway between East 13th Street and East 14th Street, south prolongation of the center line of Irving Place and Irving Place, East 15th Street, Union Square East, Fourth Avenue, and East 14th Street is 10.0, ~~except as provided in Section 118-60 (SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT).~~

~~In no event, shall the~~ The commercial #floor area ratio# shall not exceed 6.0 except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

\* \* \*

118-60  
~~SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT~~

[Replaced by various provisions of Article VI, Chapter 6]

~~The City Planning Commission may, by special permit, grant #residential floor area# bonuses for #developments# or #enlargements# that provide major improvements on the 14th Street/Union Square Subway Station in accordance with the provisions of Section 74-634. The #zoning lot# for the #development# or #enlargement# on which such #floor area# bonus is requested shall be adjacent to the 14th Street/Union Square Subway Station or to an existing passageway to the station.~~

~~As part of the special permit, the Commission may modify the #street wall# regulations of Section 118-30 (STREET WALL HEIGHT AND SETBACK REGULATIONS) if it finds that such major improvements cannot be provided without modifications of these provisions.~~

\* \* \*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

Chapter 1  
Special Garment Center District

121-00  
GENERAL PURPOSES

\* \* \*

121-01  
General Provisions

The provisions of this Chapter shall apply within the #Special Garment Center District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

121-40  
SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2

\* \* \*

121-41  
Maximum Permitted Floor Area Within Subdistrict A-2

The basic maximum #floor area ratio# of a #zoning lot# containing #non-residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 ~~only~~ pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such authorization #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# pursuant to Section 93-31 or Section 93-23, has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

Chapter 2  
Special Grand Concourse Preservation District

\* \* \*

122-00  
GENERAL PURPOSES

\* \* \*

122-02  
General Provisions

Except as modified by the express provisions of the #Special Grand Concourse Preservation District#, the regulations of the underlying zoning districts shall remain in effect.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

Chapter 3  
Special Mixed Use District

123-10  
GENERAL PROVISIONS

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

In #Special Mixed Use Districts#, an M1 District is paired with a #Residence District#, as indicated on the



#zoning maps#.

The designated #Residence Districts# in #Special Mixed Use Districts# shall not include either an R1 or an R2 District.

\* \* \*

Chapter 5  
Special Southern Hunters Point District

\* \* \*

125-00  
GENERAL PURPOSES

\* \* \*

125-01  
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

\* \* \*

125-20  
FLOOR AREA REGULATIONS

125-21  
East River Subdistrict

In the East River Subdistrict, the maximum #residential floor area ratio# shall be as set forth in the following table, ~~and no #floor area# bonuses shall apply.~~ For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

Chapter 8

Special St. George District

\* \* \*

128-00  
GENERAL PURPOSES

\* \* \*

128-02  
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

**ARTICLE XIII**  
**SPECIAL PURPOSE DISTRICTS**

\* \* \*

Chapter 1  
Special Coney Island District

\* \* \*

131-00  
GENERAL PURPOSES

\* \* \*

131-01  
General Provisions

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

Chapter 2  
Special Enhanced Commercial District

\* \* \*

132-10  
GENERAL PROVISIONS

The provisions of this Chapter shall apply to all #buildings# with #street# frontage along a #designated commercial street#.

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

Chapter 5  
Special Bay Street Corridor District

\* \* \*

135-00  
GENERAL PURPOSES

\* \* \*

135-04  
Applicability

\* \* \*

**135-045**  
**Applicability of Article VI, Chapter 6**

Notwithstanding the general provisions of Section 135-01, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

**135-045 135-046**

**Applicability of this Chapter to certain zoning lots in Subdistrict D**

For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or public transportation facility and existing on June 26, 2019, the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.

\* \* \*

Chapter 6  
Special Downtown Far Rockaway District

\* \* \*

136-00  
GENERAL PURPOSES

\* \* \*

136-01  
General Provisions

The regulations of this Chapter shall apply within the #Special Downtown Far Rockaway District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

Chapter 7  
Special Coastal Risk District

\* \* \*

137-10  
GENERAL PURPOSES

The provisions of this Chapter shall apply in the #Special Coastal Risk District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the

provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

Chapter 8  
Special East Harlem Corridors District

138-00  
GENERAL PURPOSES

\* \* \*

138-01  
General Provisions

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

138-20  
SPECIAL BULK REGULATIONS

\* \* \*

138-21  
Floor Area Regulations

\* \* \*

**138-211**  
**Special floor area regulations**

\* \* \*

- (c) Any floor space occupied by a subway entrance provided pursuant to the provisions of Section 138-33 (Off-street Relocation or Renovation of a Subway Stair) shall not count as #floor-area#. For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

**138-212**

**Additional floor area regulations in the Park Avenue Subdistrict**

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of paragraphs (a) and (b) of Section 138-211 are further modified in this Section.

\* \* \*

ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS

Chapter 1  
Special Jerome Corridor District

141-00  
GENERAL PURPOSES

\* \* \*

141-01  
General Provisions

The provisions of this Chapter shall apply within the #Special Jerome Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

Chapter 2  
Special Inwood District

142-00  
GENERAL PURPOSES

\* \* \*

142-01  
General Provisions

The provisions of this Chapter shall apply within the #Special Inwood District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However,

in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

142-09

Off-street Relocation of Subway Station Entrances

For all #developments# or #enlargements# involving ground floor level construction on a #zoning lot# that is wholly or partially located within a Transit Easement Zone, as shown on Map 3 (Special Inwood District - Transit Easement Zones) in the Appendix to this Chapter, a transit easement volume may be ~~required~~ needed on such #zoning lot# for public access between the #street# and the adjacent above- or below-grade subway station, pursuant to the provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES). Such #zoning lots# that are wholly or partially within a Transit Easement Zone shall be considered a #primary transit-adjacent site#, as defined in Section 66-11 (Definitions).

(a) Transit Easement

~~Prior to filing any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) and the Chairperson of the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.~~

~~Within 60 days of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.~~

~~When the MTA and the Chairperson indicate that a transit easement volume is required, the MTA shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.~~

~~The owner shall submit a site plan showing a proposed location of such transit easement volume that would provide access between the #street# and the adjacent subway station and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.~~

~~Legally enforceable instruments, running with the land, creating a transit easement volume, and setting forth the obligations of either the MTA or the owner and developer, their successors and assigns, to design and construct the improvement, shall be executed and recorded in a form acceptable to the MTA and the Chairperson. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.~~

(b) Construction and Maintenance

~~Where a transit easement volume is required pursuant to this Section, transit access improvements within such volume shall be constructed and maintained either by the MTA or the owner of the #zoning lot# with the #development# or #enlargement#.~~

(1) ~~Where such mass transit improvement is constructed and maintained by the owner of the #development# or #enlargement#:~~

(i) ~~a transit access improvement shall be provided in accordance with standards set forth by the MTA;~~

- (ii) such improvement shall be accessible to the public at all times, except as otherwise approved by the MTA;
- (iii) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non #illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and
- (iv) no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvement is substantially complete and usable by the public.

(2) Where such mass transit improvement is constructed and maintained by the MTA:

- (i) Where the construction of the improvement is not contemporaneous with the construction of the #development# or #enlargement#, any underground walls constructed along the #front lot line# adjacent to a below-grade subway station shall include a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA.
- (ii) Temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume.
- (iii) In the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

(e) Additional modifications

Where a transit easement volume is required pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall certify the following modifications in conjunction with such transit easement volume certification:

- (1) the edge of the transit easement volume facing the #street# shall be considered a #street wall# for the purposes of applying the #street wall# location provisions set forth in Section 142-40 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, irrespective of whether such volume is incorporated into a #building#;
- (2) for #zoning lots# adjacent to a below-grade subway station, the maximum height for the #building# set forth in Section 142-40, inclusive, shall be increased by 10 feet, and the maximum number of #stories#, if applicable, shall be increased by one, except where the provisions of Section 142-48 (Special Regulations for Certain Sites in Subdistricts C and F) are being utilized;
- (3) the floor space contained within any transit easement volume required pursuant to this Section shall be excluded from the definition of #floor area#; and
- (4) the street frontage of such transit easement volume shall be excluded for the purpose of applying the provisions of Section 142-14 (Ground Floor Level Requirements).

(d) Temporary Use

Any easement volume required on a #zoning lot# pursuant to paragraph (a) of this Section may be temporarily used for any permitted #commercial# or #community facility uses# until such time as required by the MTA for transit access improvements. The floor space allocated to such temporary #uses# within the transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the easement volume is located prior to the time at



which public use of the easement area is required, except as otherwise specified by the MTA. A minimum notice of six months shall be given, in writing, by the MTA to the owner of the building or portion of the zoning lot to vacate the easement volume.

(e) Termination of an easement volume

In the event that the MTA and the City Planning Commission jointly notify the Department of Buildings and the owner in writing that a transit easement volume is not required on a zoning lot in its final construction plans, the restrictions imposed on such zoning lot by the provisions of this Section shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the MTA to the extinguishment of the easement volume.

On any zoning lot which has been developed or enlarged in accordance with the provisions of this Section and on which termination of transit easement has been certified, pursuant to this paragraph, any floor space in a previously required transit easement volume shall continue to be exempt from the definition of floor area and shall not be included for the purpose of calculating requirements for accessory off-street parking, bicycle parking or loading berths. However, where such previously required volume is located within a building, the ground floor space shall be subject to the provisions of Section 142-14.

\* \* \*

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 7, 2021, on file in this office.

City Clerk, Clerk of The Council