

30

BOARD OF ESTIMATE
CITY OF NEW YORK

346

Blank
18.5.71.

Fifth Ave.

(Cal. No. 29)

Resolved, By the Board of Estimate, pursuant to the provisions of Section 200 of the New York City Charter, that the resolution of the City Planning Commission adopted on March 3, 1971 (Cal. No. 25), reading as follows:

Resolved, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 8c and 8d, establishing an F District bounded by West 58th Street and East 58th Street, a line 200 feet east of 5th Avenue, East 38th Street and West 38th Street, a line 100 feet west of 5th Avenue, West 40th Street, and a line 200 feet west of 5th Avenue, Borough of Manhattan, as shown on a diagram dated February 17, 1971.

—be and the same hereby is approved.

A true copy of resolution adopted by the Board of
Estimate on MARCH 25, 1971.

Ruth H. Whaley

Secretary.

BOARD OF ESTIMATE CITY OF NEW YORK

346

(Cal. No. 30)

Resolved, By the Board of Estimate, pursuant to the provisions of Section 200 of the New York City Charter, that the resolution of the City Planning Commission adopted on March 3, 1971 (Cal. No. 24), reading as follows:

Resolved, by the City Planning Commission that the Zoning Resolution of The City of New York be amended by a change relating to various sections establishing a new Special Fifth Avenue District, as follows:

Matter in bold type is new;

Matter in *italics* is defined in Section 12-10 or in this Chapter.

11-12

Establishment of Districts

11-128

Establishment of Special Fifth Avenue District

In order to carry out a special purpose of this Resolution as set forth in Article VIII, Chapter 7, the *Special Fifth Avenue District* is hereby established.

* * *

12-10

Definitions

Special Fifth Avenue District

The "Special Fifth Avenue District" is a Special Purpose District designated by the letter "F", in which special regulations set forth in Article VIII, Chapter 7, apply to all developments. The *Special Fifth Avenue District* appears on the zoning maps superimposed on other districts, and its regulations supplement or supersede those of the districts on which it is superimposed.

* * *

Article VIII

Special Purpose Districts

Chapter 7 Special Fifth Avenue District

TABLE OF CONTENTS

(This Table of Contents is for reference purposes and is not part of the official text of the Special District.)

General Purposes	Section 87-00
Definitions	87-01
General Provisions	87-02
Mandatory Use Regulations and Prohibitions	87-03
Restriction on ground floor uses	87-031
Minimum retail space requirement	87-032
Use Group F	87-033
Rooftop restaurant	87-034
Mandatory Lot Improvement Regulations and Prohibitions	87-04
Access to uses	87-041
Subway connections	87-042
Off-Street parking regulations	87-043
Off-Street loading regulations	87-044
Mandatory Front Setbacks for Development on Fifth Avenue	87-05
Elective Lot Improvements	87-06
Through block connection	87-061
Covered pedestrian space	87-062
Plaza	87-063
Terrace level landscaping	87-064
Special floor area bonus	87-065
Floor Area Limitations	87-07
Special Regulations for Residential or Hotel Floor Area Bonus	87-08
Floor area bonus formula	87-081
Special residential regulations	87-082
Special hotel regulations	87-083
Special Regulations for Lot Coverage	87-09
Increased lot coverage on zoning lots of less than 30,000 square feet	87-091
Increased lot coverage on zoning lots of 30,000 square feet or more	87-092
Lot coverage for developments with a floor area ratio of more than 3.00 devoted to retail uses	87-093
Modification of District Bulk Regulations	87-10
Modifications by special authorizations	87-101
Modifications by special permit	87-102
Special Provisions for a Zoning Lot Divided by a District Boundary	87-11
Supplementary Regulations	87-12

* * *

Special Fifth Avenue District

87-00

General Purposes

The *Special Fifth Avenue District* (hereinafter also referred to as the "Special District") established in this Resolution is designed to promote and protect the public interest, general welfare, and amenity. These general goals include, among others, the following specific purposes:

- (a) To preserve, protect, and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (b) To encourage the concentration of major stores, retail clustering, restaurants and related activities which complement the special image and character of this unique area;
- (c) To improve the relationship of the many landmarks in the area to their surrounding buildings;
- (d) To encourage the development of appropriate public amenities, including housing, in the area; and

BOARD OF ESTIMATE CITY OF NEW YORK

346

(Cal. No. 30)—Page 2

(e) To promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

87-01

Definitions

For purposes of this Chapter, a "development" includes the construction of a new building or other structure on a zoning lot or lots, the relocation of an existing building on another zoning lot, the use of a tract of land for a new use, an enlargement, or an extension. A change of use in an existing building to another use listed in the same or another Use Group shall be considered a development only as to that portion being changed and only for purposes of Section 87-03 (Mandatory Use Regulations and Prohibitions).

Special Fifth Avenue District (repeated from Section 12-10)

The "Special Fifth Avenue District" is a Special Purpose District designated by the letter "F", in which special regulations set forth in Article VIII, Chapter 7, apply to all developments. The *Special Fifth Avenue District* appears on the zoning maps superimposed on other districts, and its regulations supplement or supersede those of the districts on which it is superimposed.

87-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the *Special Fifth Avenue District* and in accordance with the provisions of this Chapter, certain specified use and bulk regulations of the district on which the *Special Fifth Avenue District* is superimposed are made inapplicable, and special regulations are substituted therefor 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.

87-03

Mandatory Use Regulations and Prohibitions

In order to insure the continued development and stability of department stores, specialty stores, boutiques and international stores, special limitations are imposed on the location and kinds of uses permitted within the Special District.

87-031

Restriction on ground floor uses

Uses on the ground floor, or within 5 feet of curb level, shall be limited to retail uses listed in Section 87-033 (Use Group F), except lobby space. Uses not listed in Use Group F, but permitted in the underlying districts may locate elsewhere within the development.

87-032

Minimum retail space requirement

Any development located within the Special District shall contain not less than a floor area ratio equivalent to 1.00 of one or more retail uses listed in Section 87-033 (Use Group F).

When existing retail uses are retained within the development, their floor space may be counted toward such requirement in accordance with the provisions of Section 87-033 (Use Group F).

Retail or service establishments may be provided above a height of six stories or 85 feet, whichever is less, or more than 5 feet below curb level of the development but such establishments shall not count toward the requirement, except for the following:

- (a) One public eating or drinking place located at the roof of the sixth story or the 85 foot terrace level may count toward the minimum retail space requirement, if the establishment is readily accessible to the public; and
(b) A development on a zoning lot of less than 20,000 square feet may locate a portion of the minimum retail space requirement not more than one level below curb level.

Where a zoning lot is developed solely for hotel use the requirements of this Section shall not apply to such developments, except when the development qualifies for a bonus in accordance with the provisions of Section 87-08 (Special Regulations for Residential or Hotel Floor Area Bonus) or Section 87-09 (Special Regulations for Lot Coverage).

87-033

Use Group F

Use Group F comprises a group of retail establishments selected to promote and strengthen retail business in the Special District.

- Antique stores
- Art galleries, commercial
- Artists' supply stores
- *Banks
- Book or card stores
- Beauty parlors
- Candy stores
- Cigar or tobacco stores
- Clothing or clothing accessory stores, with no limitation on floor area per establishment
- Department stores
- Eating or drinking places, including those which provide outdoor table service or incidental musical entertainment either by mechanical device or by not more than three persons playing piano, organ, accordion, guitar, or any stringed instrument

BOARD OF ESTIMATE
CITY OF NEW YORK

346

(Cal. No. 30)—Page 3

Florist shops
Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores
Furrier shops, custom
Gift shops
Jewelry shops
Leather-goods or luggage stores
Millinery shops
Music shops
Newsstands, open or enclosed
Optician or optometrist establishments
Package liquor stores
Photograph equipment or supply stores
Record shops
Shoe stores
Sporting or athletic stores
Stamp or coin stores
Stationery stores
Tailor or dressmaking shops, custom
Television, radio, phonograph or household appliance stores
Toy stores
*Travel bureaus

Variety stores, limited to 10,000 square feet of floor area per establishment
Watch or clock stores or repair shops

* Any use or uses marked with an asterisk shall not occupy in the aggregate more than 10 per cent of the lot area at the ground floor of any development, nor occupy linear frontage equalling in the aggregate more than 15 per cent of the total linear zoning lot frontage on or within 50 feet of the Fifth Avenue street line. Any floor space occupied by such uses shall not count toward achievement of any residential or hotel floor area bonus pursuant to Section 87-08 (Special Regulations for Residential or Hotel Floor Area Bonus) or toward increased lot coverage pursuant to Section 87-09 (Special Regulations for Lot Coverage).

87-034

Rooftop restaurant

One public eating or drinking place may locate at the top floor of a development or at the top floor of the commercial portion of a development, provided the establishment is readily accessible to the public. The floor space of such establishment may not count toward the minimum retail space requirement, but may thereafter be counted for purposes of Section 87-08 (Special Regulations for Residential or Hotel Floor Area Bonus) or Section 87-09 (Special Regulations for Lot Coverage). The provisions of Section 32-422 (Location of Floor Occupied by Non-Residential Uses) shall not apply to such an establishment.

87-04

Mandatory Lot Improvement Regulations and Prohibitions

The following requirements listed in this Section shall apply to all developments within the Special District, unless otherwise noted elsewhere.

87-041

Access to uses

(a) No access from the Fifth Avenue street line or within 50 feet of the Fifth Avenue street line shall be permitted for any new use not listed in Section 87-033 (Use Group F), except when the zoning lot is inaccessible from any other street. This requirement applies also to office, residential, and hotel use entrances.

(b) No through-block arcades, plazas, or plaza-connected open areas or any part thereof shall be permitted on or within 50 feet of the Fifth Avenue street line. Plazas shall conform with the provisions of Section 87-063 (Plaza).

87-042

Subway connections

All developments which are adjacent to a subway station mezzanine or subway stair shall provide a connection to the subway station mezzanine or subway stair landing adjoining the development. The connection shall at minimum conform to the standards of the New York City Transit Authority. The connection shall be eligible for floor area bonus as set forth in Section 87-065 (Special Floor Area Bonus).

87-043

Off-Street parking regulations

The requirement of accessory off-street parking spaces is waived for residential uses.

No off-street parking facilities are permitted within the Special District, but such parking facilities may be provided outside the Special District pursuant to Section 36-40 (Restriction on Location and Use of Accessory Off-street Parking Spaces).

87-044

Off-Street loading regulations

(a) No access to accessory off-street loading berths is permitted on or within 50 feet of the Fifth Avenue street line.

(b) No accessory off-street loading berths are permitted at or above street grade for any development requiring 3 or more loading berths, however, access to such berths is permitted at street grade.

(c) Interior lots with a frontage only on Fifth Avenue or only on a wide street shall not contain loading berths.

Mandatory

Parking →

BOARD OF ESTIMATE CITY OF NEW YORK

346

(Cal. No. 30)—Page 4

87-05

Mandatory Front Setbacks for Developments on Fifth Avenue

The front wall of all developments within the Special District shall extend along the entire length of the street line for a minimum height of three stories. Recesses are permitted within the three story height for design or display purposes provided the recess area shall not exceed in the aggregate more than 50 per cent of such front wall.

Along the east street line of Fifth Avenue above the third story, the front wall of the building or portion thereof may be built up to the Fifth Avenue street line. Along the west street line of Fifth Avenue, above a height of six stories or 85 feet, whichever is less, the front wall of the building shall be located not less than 40 feet from the street line on a zoning lot of less than 20,000 square feet and not less than 50 feet from the street line on a zoning lot of 20,000 square feet or more. This requirement shall not apply to any zoning lot which is 100 feet or less in depth from the Fifth Avenue street line.

87-06

Elective Lot Improvements

For the purposes of this Chapter, any development within the Special District which provides one or more elective lot improvements as identified in this Section shall be eligible for a floor area bonus pursuant to Section 87-065 (Special Floor Area Bonus). The maximum floor area bonus attributable to elective lot improvements, in aggregate, shall not exceed 20 percent of the basic floor area ratio permitted by the underlying district regulations.

Notwithstanding any other provisions of this Resolution, a development's receipt of floor area bonus under the provisions of this Section for any elective lot improvement shall not require application for, or issuance of, a special permit by the City Planning Commission.

87-061

Through block connection

A "Through Block Connection" is a space at curb level which provides a connection between two streets, which are parallel or almost parallel to each other, and is located in its entirety at least 50 feet from the Fifth Avenue street line, and is directly accessible to the public from an adjoining public sidewalk.

Three types of through block connections are permitted within the Special District:

- A. Open Through Block Connection
- B. Covered Through Block Connection
- C. Porte Cochere Through Block Connection

A through block connection shall:

- (a) Have a minimum height at all points of 30 feet, unless otherwise noted;
- (b) Provide retail uses listed in Section 87-033 (Use Group F) for at least 50 percent of its aggregate interior frontage; however, any portion of a through block connection which abuts a lot line shall not be counted as frontage;
- (c) Have the same elevation as the sidewalk for a distance of at least 25 feet into the zoning lot at both entrances before any vertical circulation elements occur;
- (d) Have adequate illumination, utilizing sunlight wherever possible; and
- (e) Be accessible to the public and be suitably maintained.

Access to the through block connection may be permitted from the Fifth Avenue street line either through a retail use or a public passageway not to exceed 15 feet in width. Such passageway shall not be eligible for floor area bonus.

Vertical circulation elements, columns, pedestrian bridges and balconies are permissible obstructions, provided (i) they do not cover in the aggregate more than 15 percent of the floor area of the through block connection, and (ii) the vertical circulation elements are so located that one passageway of at least a 15 foot width is maintained around the obstruction.

A portion of a through block connection may be depressed below the street or curb level but not to exceed 50 percent of its total floor area, provided that a pedestrian passageway with a minimum width of 15 feet is retained at each level. Only those portions of the through block connection which maintain the minimum height requirements are eligible for floor area bonus.

A. Open Through Block Connection

An "Open Through Block Connection" is a space which is completely open to the sky, meets the aforesaid through block connection definition, and complies with the following additional requirements:

- (a) Has an area of at least 8000 square feet and a minimum width at any point of 40 feet; and
- (b) Is open to the public at all times.

An open through block connection may include as permitted obstructions ornamental fountains, sculpture, displays, kiosks, or open cafes occupying in the aggregate not more than one-third of the total area of such connection at any elevation. Floor area occupied by kiosks or open cafes shall not count toward the Minimum Retail Space Requirement pursuant to Section 87-032 (Minimum Retail Space Requirement).

NOTE

Voluntary

definition

BOARD OF ESTIMATE CITY OF NEW YORK

346

(Cal. No. 30)—Page 5

B. Covered Through Block Connection

A "Covered Through Block Connection" is a covered space which meets the aforesaid *through block connection* definition, and complies with the following additional requirements:

- (a) Has an area of at least 6000 square feet and a minimum width at any point of 30 feet;
- (b) Has openings at the face of the *building* for entrances at least 30 feet in width and 30 feet in height, and is unobstructed for a depth of 25 feet opposite the entrances; and
- (c) Is required to be open to the public from 7 a.m. until 12 midnight.

A covered *through block connection* may include as permitted obstructions ornamental fountains, sculpture, displays, kiosks, or cafes occupying in the aggregate not more than one-third of the total *floor area* of such connection at any elevation. *Floor area* occupied by kiosks or cafes shall not count toward the Minimum Retail Space Requirement pursuant to Section 87-032 (Minimum Retail Space Requirement).

For purposes of *floor area bonus*, two types of covered *through block connections* are permitted:

- (i) A space which is fully air-conditioned in summer and properly heated in the winter to the standard of the *building's* lobby; or
- (ii) A space which is without air-conditioning and heating and is kept open for its full height at the entrances.

C. Porte Cochere Through Block Connection

A "Porte Cochere Through Block Connection" is a covered space which permits vehicular access, as well as pedestrian passage. It is permitted only in those *developments* which contain either residential or hotel uses. The space shall meet the aforesaid *through block connection* definition, and shall comply with the following additional requirements:

- (a) Has both a pedestrian passageway area and a vehicular access area:
 - (i) A pedestrian passageway area may be located on either side of the vehicular access area, but only one such passageway is required. The passageway shall have a minimum width at any point of 15 feet, except for areas containing permitted obstructions; and
 - (ii) The vehicular access area shall contain two elements: an automobile movement lane and a waiting area. The loading and unloading of passengers is permitted in the movement lane, but standing, waiting and parking is prohibited. There shall be no more than one automobile movement lane, except for hotel *developments* which may have no more than three, and there shall be no more than one waiting area per movement lane. The automobile movement lane shall have a minimum width of 11 feet and a maximum width of 15 feet at any point, and curb cuts at either end no more than 4 feet wider than the width of the lane. A waiting area may not accommodate more than three automobiles at one time. It shall have a minimum width of 9 feet, contain no curb cuts providing direct access to the *street*, and shall not be located within 25 feet of the *lot line*;
- (b) Has an area of at least 8000 square feet and a minimum width at the main level of 40 feet;
- (c) Has openings at the face of the *building* for entrances at least 40 feet in width and 30 feet in height, and unobstructed for a depth of 25 feet opposite the entrances;
- (d) Provides a separation between the pedestrian passageway areas and the vehicular access area by means of bollards, columns, or other similar elements capable of withstanding automobile impact, placed so that an automobile may not enter the pedestrian passageway areas. Such elements shall not be linked. Curbs or steps are not permissible means of separation; and
- (e) Is required to be open to the public from 7 a.m. until 12 midnight.

The width may be reduced 15 feet above the main level to a minimum of 30 feet, provided (i) the difference in width is occupied by retail *uses* listed in Section 87-033 (Use Group F), and (ii) the minimum height of 30 feet is maintained over the surface of the automobile movement lane and the remaining portion over one of the pedestrian passageway areas.

If a portion of the main level of the *porte cochere through block connection* is to be depressed, the depressed portion may not be located within 15 feet of the vehicular access area. Only those depressed portions which satisfy the minimum height requirements are eligible for *floor area bonus*, and at no time may the ceiling height of the depressed portion be lower than 15 feet above the main floor level.

87-062

Covered pedestrian space

Floor area bonus for a covered pedestrian space shall be conditioned upon compliance with the definition of *covered pedestrian space* as set forth in Section 12-10 (Definitions) and with the provisions of Section 74-87 (Covered Pedestrian Space), except for the following additional requirements:

- (a) The covered pedestrian space shall be located in its entirety at least 50 feet from the Fifth Avenue *street line*, except for a covered pedestrian space provided for an *interior lot* on Fifth Avenue; and

BOARD OF ESTIMATE
CITY OF NEW YORK

346

(Cal. No. 30)—Page 6

(b) Has uses as listed in Section 87-033 (Use Group F) occupying the maximum feasible frontage along those bounding walls of the *covered pedestrian space* which do not abut *lot lines* or *street lines*. It is not required that 50 percent of such frontage be developed with individual uses each of which has a frontage not exceeding 25 feet nor is the frontage of any other single use limited to 40 feet or less. Access to other uses within a *building* may be provided from the *covered pedestrian space* and at the same level.

Where a *zoning lot* is bounded by more than one *street*, the *covered pedestrian space* may provide a connection between such *streets*; however, no connection is permitted to the Fifth Avenue *street line* other than through a retail use or a public passageway not to exceed 15 feet in width, which shall not count toward *floor area* bonus.

The *covered pedestrian space* may be depressed (i) in its entirety below the *street* or *curb level* when adjacent to a subway station mezzanine, subway platform, or an existing underground pedestrian concourse, or (ii) not more than 50 percent of its total *floor area* in all other cases, provided that a minimum width of 15 feet is retained for pedestrian movement at each level. When a *covered pedestrian space* is provided in its entirety more than 12 feet below the nearest *curb level*, the opening of such space at the *curb level* entrance shall be at least 15 feet high.

Vertical circulation elements, columns, pedestrian bridges and balconies are permissible obstructions, provided (i) they do not cover in the aggregate more than 15 percent of the *floor area* of the *covered pedestrian space*, and (ii) the vertical circulation elements are so located that one passageway of at least a 15 foot width is maintained around the obstruction. Such obstructions may be permitted within the first 30 feet of depth, but not within 25 feet opposite an entrance.

A *covered pedestrian space* may include as permitted obstructions ornamental fountains, sculpture, displays, kiosks, or cafes occupying in the aggregate not more than one-third of the total *floor area* of such connection at any elevation. *Floor area* occupied by kiosks or cafes shall not count toward the Minimum Retail Space Requirement pursuant to Section 87-032 (Minimum Retail Space Requirement).

87-063

Plaza

Floor area bonus for a *plaza* shall be conditioned upon compliance with the definition of *plaza* as set forth in Section 12-10 (Definitions), except for the following additional requirements:

- (a) The *plaza* shall be located in its entirety at least 50 feet from the Fifth Avenue *street line*;
- (b) Retail uses listed in Section 87-033 (Use Group F) shall be located for the maximum feasible frontage along its bounding walls which do not abut *lot lines* or *street lines*;
- (c) The *plaza* shall have the same elevation as the sidewalk for a distance of at least 25 feet into the *zoning lot* before any type of vertical circulation elements occur; and
- (d) At no point shall such *plaza* be more than 5 feet below the nearest *curb level*.

Vertical circulation elements, pedestrian bridges and balconies above the level of the *plaza* are permissible obstructions, provided (i) they do not cover in the aggregate more than 15 percent of the area of the *plaza*, and (ii) the vertical circulation elements are so located that at least one passageway of a 15 foot minimum width is maintained around the obstruction.

A *plaza* may include as permitted obstructions ornamental fountains, sculpture, displays, kiosks, or open cafes occupying in the aggregate not more than one-third of the total *plaza area* at any elevation. The area occupied by kiosks or open cafes shall not count toward the Minimum Retail Space Requirement pursuant to Section 87-032 (Minimum Retail Space Requirement).

A *through lot* shall be eligible for a *plaza* bonus only if a *through block connection* is also provided within the *development*.

87-064

Terrace level landscaping

A terrace located at the roof of the sixth story or the 85 foot level, or below, and above a height of three stories, shall be eligible for a *floor area* bonus pursuant to Section 87-065 (Special Floor Area Bonus) if the following requirements are met:

- (a) At least 25 per cent of the terrace area is planted, preferably with trees;
- (b) The remaining terrace area is provided with benches for sitting, and is suitable for walking. This portion of the terrace may include outdoor cafes; and
- (c) The terrace area is readily accessible to the public at least during normal business hours.

87-065

Special floor area bonus

BOARD OF ESTIMATE CITY OF NEW YORK

346

(Cal. No. 30)—Page 7

BONUS FLOOR AREA FOR PROVISION OF ELECTIVE AND MANDATORY LOT IMPROVEMENTS

Elective and Mandatory Lot Improvement	Permitted Additional <u>Floor</u> <u>Area per square foot of Lot</u> <u>Improvement (in square feet)</u>
THROUGH-BLOCK CONNECTION (Section 87-061)	
1. Open Through Block Connection	10.0
2. Covered Through Block Connection	
(a) with air-conditioning and heating	14.0
(b) without air-conditioning and heating	11.0
3. Porte Cochere Through Block Connection	11.0
COVERED PEDESTRIAN SPACE (Section 87-062)	
(a) with air-conditioning and heating	14.0
(b) without air-conditioning	11.0
PLAZA (Section 87-063)	10.0
TERRACE LEVEL LANDSCAPING (Section 87-064)	2.0
MANDATORY SUBWAY CONNECTIONS (Section 87-042)	2.0

87-07

Floor Area Limitations

For the purposes of this Chapter, the *floor area ratio* of a *development* within the Special District shall not exceed the *floor area ratio* permitted by the underlying district regulations, inclusive of bonus, set forth in Section 87-06 (Elective Lot Improvements).

If, however, the *development* complies with the provisions of Section 87-08 (Special Regulations for Residential or Hotel Floor Area Bonus) and with frontage on Fifth Avenue, the permitted floor area may be increased, but not to exceed the maximum otherwise permitted in this Chapter by more than 20 percent. The entire amount of such additional floor area shall be used solely for residential or hotel use.

The maximum floor area ratio of a *development* within the Special District, including all of the applicable bonus provisions, shall not exceed the maximum limit set forth in Section 33-120.5 (Maximum Limit on Floor Area Ratio) by more than 20 percent.

In no event shall the total floor area ratio exceed 12.00 for a residential or apartment hotel use.

When the zoning lot is developed to a maximum floor area ratio permitted by the underlying district regulations for a hotel use, the entire amount of floor area bonus pursuant to Section 87-08 (Special Regulations for Residential or Hotel Floor Area Bonus) shall be used for residential use.

87-08

Special Regulations for Residential or Hotel Floor Area Bonus

A floor area bonus for a residential or hotel use shall be permitted on zoning lots of 30,000 square feet or more in accordance with the provisions of this Section. The permitted increase in floor area ratio shall not exceed the maximum limit set forth in Section 87-07 (Floor Area Limitations).

87-081

Floor area bonus formula

The floor area bonus shall be determined in accordance with the following formula:

For each square foot by which the floor area devoted to uses listed in Section 87-033 (Use Group F) exceeds the minimum requirement of Section 87-032 (Minimum Retail Space Requirement) the floor area of the development may be increased by four square feet.

87-082

Special residential regulations

(a) There shall be no more than one room for each 300 square feet of residential use.

(b) The lot area requirements for mixed buildings as set forth in Section 35-40 shall not apply to such developments; and

(c) When a residential lobby is adjacent to an elective lot improvement, there shall be an entrance to the lobby from such space.

87-083

Special Hotel Regulations

(a) There shall be no more than one guest room for each 700 square feet of hotel use;

(b) Accessory off-street loading berths for the hotel use shall be provided independent of such berths provided for any commercial use;

(c) A development containing a hotel use shall provide a "Porte Cochere Through Block Connection" as described in Section 87-061 (Through block connection); and

(d) When a hotel lobby is adjacent to an elective lot improvement, there shall be an entrance to the lobby from such space.

The provisions of Article III, Chapter 5, shall not apply to a mixed building which complies with the provisions of this Section.

Residential
& Hotel.

4 sq ft extra sq ft
of retail.

BOARD OF ESTIMATE CITY OF NEW YORK

346

(Cal. No. 30)—Page 8

87-09

Special Regulations for Lot Coverage

Any development subject to the provisions of this Chapter, above a height of six stories or 85 feet, whichever is less, shall occupy in the aggregate not more than 40 percent of the lot area of a zoning lot of 20,000 square feet or more, or more than 45 percent of the lot area of a zoning lot of less than 20,000 square feet, unless permitted by this Section or Section 87-10 (Modification of District Bulk Regulations).

87-091

Increased lot coverage on zoning lots of less than 30,000 square feet

The permitted lot coverage for any development on a zoning lot of less than 30,000 square feet may be increased up to 10 percent of the lot area in accordance with the following formula, provided the requirements of Section 87-032 (Minimum Rental Space Requirements) have been met in their entirety:

For each additional floor area ratio equivalent to .09 devoted to retail uses listed in Section 87-033 (Use Group F) a development shall be entitled to a 1.00 percentage point increase in permitted lot coverage.

The maximum lot coverage on a zoning lot of 20,000 to 30,000 square feet shall be 50 percent, and on a zoning lot of less than 20,000 square feet such maximum lot coverage shall be 55 percent.

87-092

Increased lot coverage on zoning lots of 30,000 square feet or more

The permitted lot coverage for any development on a zoning lot of 30,000 square feet or more may be increased up to 10 percent of the lot area in accordance with either of the following formulas, provided (i) the requirements of Section 87-032 (Minimum Retail Space Requirements), and (ii) the related additional retail requirements of Section 87-08 (Special Regulations for Residential and Hotel Floor Area Bonus) have been met in their entirety:

For each additional floor area ratio equivalent to .08 devoted to retail uses listed in Section 87-033 (Use Group F) a development shall be entitled to a 1.00 percentage point increase in permitted lot coverage; or For each additional floor area ratio equivalent to .18 devoted to residential or hotel use a development shall be entitled to a 1.00 percentage point increase in permitted lot coverage.

The maximum lot coverage on a zoning lot of 30,000 square feet or more shall be 50 percent.

87-093

Lot coverage for developments with a floor area ratio of more than 3.00 devoted to retail uses

In order to facilitate and encourage those developments within the Special District which exceed a floor area ratio equivalent to 3.00 devoted to a retail use or uses listed in Section 87-033 (Use Group F), the City Planning Commission may grant lot coverage and height and setback modifications pursuant to Section 87-102 (Modifications by Special Permit).

87-10

Modification of District Bulk Regulations

Notwithstanding any other provisions of this Resolution, any modification of the bulk regulations for a development on a zoning lot within the Special District shall be governed by the provisions of this Section.

87-101

Modifications by special authorization

On application, the City Planning Commission may grant special authorizations for modifications of the provisions of this Chapter upon a developer's showing of compelling necessity. Authorizations may be given for the following items:

- (a) Modifications of Section 87-05 (Mandatory Front Setbacks for Developments on Fifth Avenue);
- (b) Modifications of yards and height and setback regulations resulting from compliance with Section 87-06 (Elective Lot Improvements);
- (c) Modifications of yards and height and setback regulations resulting from compliance with Section 87-08 (Special Regulations for Residential and Hotel Floor Area Bonus); and
- (d) Modifications of yards and height and setback regulations resulting from compliance with Section 87-09 (Special Regulations for Lot Coverage).

All such applications shall be granted in whole or in part or denied by the Commission within 45 days after receipt thereof. The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such special authorizations.

87-102

Modifications by special permit

Special
Discretions

BOARD OF ESTIMATE
CITY OF NEW YORK

346

(Cal. No. 30)—Page 9

The City Planning Commission, by special permit after public notice and hearing, subject to Board of Estimate action may grant:

- (a) An increase in the permitted *lot coverage* and modification of height and setback regulations for any *development* which includes at least a *floor area ratio* equivalent to 3.00 or greater devoted to *uses* listed in Section 87-033 (Use Group F); or
- (b) Modification of height and setback regulations for any *development* on a *zoning lot* whose *lot line* abuts or extends beyond the boundary line of the Special District.

As a condition of permitting any such modifications, the Commission shall make the following findings:

- (i) That the resulting site plan affords adequate placement of the *building* on a *zoning lot* with satisfactory arrangement of *open space* and access to light and air;
- (ii) That the modifications of height and setback regulations enhance the relationship of the *building* to nearby *buildings*; and
- (iii) That the *development* satisfies the purpose of encouraging retail concentration within the Special District.

87-11

Special Provisions for a Zoning Lot Divided by a District Boundary

Whenever a *zoning lot* is divided by a district boundary and (i) has frontage on Fifth Avenue, or (ii) has 20,000 square feet or more of its *lot area* within the Special District, the requirements set forth in this Chapter shall apply to the entire *zoning lot*.

Where only a portion of a *zoning lot* containing less than 20,000 square feet of the *lot area* is located within the boundaries of the Special District, the only requirements of this Chapter which shall be imposed on the *development* are the retail space requirements of Section 87-03 (Mandatory Use Regulations and Prohibitions) which shall apply to only that portion of the *zoning lot* which is within the Special District. No other provisions set forth in this Chapter shall apply to such *developments*.

In all other cases, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), shall apply to the entire *zoning lot*, regardless of the date of creation of such *zoning lot*.

87-12

Supplementary Regulations

Notwithstanding any other provisions of this Chapter, the provisions of Section 74-74 (Commercial Developments Extending into More Than One Block) and Section 74-79 (Transfer of Development Rights from Landmark Sites) are applicable to *developments* or portions thereof within the Special District.

The provisions of Section 74-72 (Height and Setback Regulations) shall not apply to any *development* or portion thereof within the Special District.

—be and is modified by changing Section 87-031 to read as follows:

87-031

Restriction on ground floor uses

Uses on the ground floor, or within 5 feet of curb level, shall be limited to retail uses listed in Section 87-033 (Use Group F), except lobby space. This restriction shall not apply to an *extension* of an existing *use* listed in Section 87-033 (Use Group F) where a lease for such *extension* existed prior to February 1, 1971 and such lease or a memorandum thereof shall have been duly recorded in the Office of the Register of The City of New York on or before February 1, 1971; —and as so modified, the resolution of the City Planning Commission is hereby adopted.

A true copy of resolution adopted by the Board of Estimate on MARCH 25, 1971.

Ruth K. Whaley

Secretary.