APPENDIX A:

PROPOSED ZONING TEXT AMENDMENTS

Manhattan 125th Street Corridor Rezoning and Related Actions
Draft Proposed Text Amendment - September 24, 2007

- And -

Special 125th Street District
Draft "A" Zoning Text Amendment – December 17, 2007

Manhattan 125th Street Corridor Rezoning and Related Actions
Special 125th Street District
Draft Proposed Text Amendment

Matter in underline is new, to be added
Matter in strikeout is old, to be deleted;
Matter within # # is defined in 12-10 or
* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I
GENERAL PROVISIONS

* * *

11-12
Establishment of Districts

* * *

Establishment of the Special 125th Street District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the Special 125th Street District is hereby established.

Establishment of the Special Battery Park City District

* * *

12-10
DEFINITIONS

* * *

Special 125th Street District

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125th Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

Special Battery Park City District

* * *

Chapter 3
Sidewalk Cafe Regulations

* * *

14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

* * *

Manhattan	#Enclosed Sidewalk Café#	#Unenclosed Sidewalk Café#
125th Street District	Yes	Yes
Battery Park City District	Yes	Yes

* * *

Article II
Residence District Regulations

* * *

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-00
APPLICABILITY AND GENERAL PURPOSES

* * *

23-011
Quality Housing Program

* * *

(c) The Quality Housing Program shall not apply to:

(1) Article VII, Chapter 8 (Large Scale Residential Developments);

(2) Special Purpose Districts, except the following:

* * *

(viii) the #Special Downtown Brooklyn District#; ~~or~~

(ix) the #Special 125th Street District#; or

* * *

24-161
Maximum floor area ratio for zoning lots containing community facility and residential uses

* * *

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program~~ the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

* * *

35-31

Maximum Floor Area Ratio for Mixed Buildings

* * *

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

* * *

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.~~ the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90.

ARTICLE IX, CHAPTER 7
(97-00) IS NEW TEXT; IT IS NOT UNDERLINED

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 7
Special 125th Street District

97-00
GENERAL PURPOSES

The "Special 125th Street District" established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

(a) to preserve, protect and promote the special character of 125th Street as Harlem's "Main Street" and the role of 125th Street as Upper Manhattan's premier mixed use corridor;

(b) to guide development on the 125th Street corridor;

(c) to expand the retail and commercial character of 125th Street and enhance the area's role as a major arts, entertainment and cultural destination in the City;

(d) to support mixed use development through out the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;

(e) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;

(f) to enhance the pedestrian environment through appropriate ground floor uses and regulations;

(g) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

97-01
Definitions

Special 125th Street District (Repeated from Section 12-10)

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125th Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

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 to all #developments#, #enlargements#, alterations and changes of #use# within the Special District. The regulations of the Special District shall supersede, supplement or modify the requirements of the underlying zoning districts on which the Special District is superimposed, except as described in Section 97-05 (Applicability of Special Transit Land Use District Regulations).

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.

97-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including the map of the #Special 125th Street District#, is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

97-04
Establishment of Core Subdistrict

In order to carry out the purposes and provisions of this Chapter, the Core Subdistrict is established within the #Special 125th Street District# and includes specific regulations designed to promote and maintain the establishment of an arts and entertainment-related environment along 125th Street, from Frederick Douglass Boulevard on the west to 545 feet east of Lenox Avenue on the east and from 124th to 126th Streets. The Core Subdistrict is shown on the map of the #Special 125th Street District# in Appendix A of this Chapter.

97-05
Applicability of Special Transit Land Use District Regulations

Wherever the #Special Transit Land Use District# includes an area which also lies within the #Special 125th Street District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications of Section 97-433 (Street wall location).

#Street wall# location requirements for that portion of the #Special Transit Land Use District# that is also within the #Special 125th Street District# are described in paragraph (e) of Section 97-433.

97-10
SPECIAL USE AND LOCATION REGULATIONS

Within the #Special 125th Street District#, for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the locational and access requirements of Sections 97-20, inclusive. On #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet from the 125th Street #street line#.

97-11
Special Arts and Entertainment Uses

In order to sustain the arts and entertainment character of the 125th Street corridor, the following #uses# shall be designated as special arts and entertainment #uses# within the #Special 125th Street District# and shall be permitted to be located anywhere within the #development# or #enlargement# according to the requirements of Section 97-21:

Art galleries
Auditoriums
Bookstores
Clubs, including music, dance or comedy clubs
Eating or drinking establishments, with table service only
Historical exhibits
Museums
Music stores
Performance spaces
Studios, art, music, dancing or theatrical
Studios, radio, television or motion picture
Theaters.

Within the Core Subdistrict, such special arts and entertainment #uses# shall be provided in new #developments# or #enlargements#, pursuant to the provisions of Section 97-12.

97-12
Arts and Entertainment Uses within the Core Subdistrict

Within the Core Subdistrict, as shown on the map in Appendix A of this Chapter, for new

#developments# or #enlargements# that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125th Street, a minimum of five percent of the #floor area# of the #development# or #enlargement# shall contain the arts and entertainment #uses# listed in Section 97-11. Such #uses# shall be accessible from 125th Street.

97-20
Location and Access Regulations

97-21
Location of Arts and Entertainment Uses

Within the #Special 125th Street District#, the arts and entertainment #uses# listed in Section 97-11 may be located anywhere throughout a #building# if one of the following conditions has been met:

(a) any #residential use# is located on a floor wholly above such non-#residential use#; or

(b) any non-#residential use# shall be permitted on the same #story# as a #residential use#, provided that:

(1) no access exists between any non-#residential use# and #residential use# at any level; and

(2) non-#residential uses# are not located directly over any #residential uses#.

Such non-#residential use#, however, may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

97-22
Uses Not Permitted on the Ground Floor of Buildings

Within the #Special 125th Street District#, the #uses# listed in this Section are not permitted at the ground floor level of #developments# and #enlargements# that front upon 125th Street, or within five feet of the as-built level of the adjoining sidewalk. Entranceways and lobby space for access to such #uses# shall comply with the provisions of Section 97-221 (Access to non-ground floor uses).

From Use Group 2:
All #uses#.

From Use Groups 3A and 3B:
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#.

From Use Groups 6A, 6B, 6C and 6E:
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40% of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:
All #uses#.

Use Groups 12A and 12B:
Trade expositions.

Use Groups 12C and 12D:
All #uses#.

Use Group 14A and 14B:
All #uses#, except for bicycle sales, rental or repair shops.

97-221
Access to non-ground floor uses

Within the Special District, for #uses# listed in Section 97-22 (Uses Not Permitted On Ground Floor Of Buildings), the length of #street# frontage allocated to an entranceway or lobby space shall be no more

than 25 linear feet or 40 percent of the #zoning lot#, whichever is less, except that an entranceway or lobby space need not be less than 20 feet.

For a #development# or #enlargement# with more than one entranceway or lobby for non-ground floor #uses#, each entranceway or lobby for such #uses# shall be no more than 25 linear feet and, in the aggregate, shall not exceed 40 percent of the ground floor frontage of the #zoning lot#.

For #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the length of #street# frontage allocated to entranceways or lobby space shall be no more than 40 linear feet of the ground floor frontage of the #zoning lot#.

97-23
Transparency Requirements

For all #uses#, other than houses of worship and libraries, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

97-24
Security Gates

Within the #Special 125th Street District#, all security gates installed after (date of enactment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

97-30
SPECIAL SIGN REGULATIONS

#Signs# for all #uses# within the #Special 125th Street District# shall be subject to the applicable #sign# requirements for #commercial uses# in Section 32-60, subject to the modifications of Sections 97-31 and 97-32.

97-31
Height of Signs for Arts and Entertainment Uses

Within the #Special 125th Street District#, all #accessory signs# for arts and entertainment #uses# listed in Section 97-11 may exceed the maximum height listed in Section 32-655 (Height of signs in all other Commercial Districts), provided such #signs# are not higher than 85 feet or the maximum base height of

the #building#, whichever is lower. In any event, no such sign shall be located at a height higher than three foot below any floor containing a #residential use#.

97-32
Marquee Signs

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following #uses# located along 125th Street within the #Special 125th Street District# shall be considered places of public assembly permitted to erect a marquee sign on 125th Street above the entrance to such #use#:

Art galleries
Auditoriums
Clubs, including music, dance or comedy clubs
Eating or drinking establishments with table service only
Historical exhibits
Museums
Performance spaces
Studios, art, music, dancing or theatrical
Studios, radio, television or motion picture
Theaters.

No part of the marquee shall be less than 15 feet above the level of the sidewalk and the height of any portion of the marquee shall be governed by the requirements of Section 97-31. Such marquee shall be supported entirely from the building wall. The marquee may extend in length up to 10 feet beyond the #street line#, but in no case shall such structure be closer to the curb in plan than three feet.

All marquees shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9 of the New York City Building Code pertaining to projecting signs, or its successor. In the event of a conflict between the provisions of this Chapter and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

97-40
SPECIAL BULK REGULATIONS

Within the #Special 125th Street District#, except as indicated in this Section, inclusive, all #developments# and #enlargements# shall comply with the requirements of Article II, Chapter 8 (Quality Housing) and the applicable #bulk# regulations of the underlying districts.

97-41
Floor Area Regulations

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

97-411
Maximum floor area ratio in C4-4D, C4-7 and C6-3 districts

In C4-4D, C4-7 or C6-3 Districts within the Special District, the maximum permitted #floor area ratios# for new #developments# or #enlargements# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may be only increased pursuant to Section 97-42 (Floor Area Bonus).

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)
FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES

District	#Residential Floor Area Ratio# (max)	Commercial #Floor Area Ratio# (max)	Community Facility #Floor Area Ratio# (max)
C4-4D	5.4	5.4	6.0
C6-3	6.0	6.0	6.0
C4-7	9.0	10.0	10.0

97-412
Maximum lot coverage in C6-3 districts

In C6-3 Districts within the Street District, the maximum #lot coverage# for #residential use# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#.

93-413
Lot coverage on small corner lots

Within the Special District, there shall be no maximum #lot coverage# applied to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

97-42
Floor Area Bonus

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to Sections 97-421and 23-90 (Inclusionary Housing).

97-421
Inclusionary Housing

Within the Special District, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus for the provision of affordable housing, on-site or off-site, within the borough of Manhattan, pursuant to the provisions of Section 23-90, inclusive.

97-43
Special Height and Setback Regulations

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-431
Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the Special District, except that the provisions of paragraph (c) shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane# provided that either:

(a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or

(b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

97-432
Height and setback regulations for C4-7 and C6-3 districts

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Special District:

(a**)** The minimum and maximum base height of the #street wall# and the maximum height of a #development# or #enlargement# shall be modified, as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	Street Wall Height (in feet)		Maximum Building Height (in feet)
	Minimum Base Height	Maximum Base Height	
C6-3	60	85	160
C4-7	60	85	290

All portions of buildings that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of 97-433 (Street wall location).

(b) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

(c) In C4-7 Districts, within 50 feet of the 126th Street frontage on the #block# between Adam Clayton Powell Boulevard and Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #development# or #enlargement# shall be limited to 80 feet.

97-433
Street wall location

In all #commercial districts# within the Special District, the following #street wall# location provisions shall apply along 125th Street and along intersecting #streets# within 50 feet of their intersection with 125th Street:

The #street wall# of any #development# or #enlargement# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions pertaining to the #street# intersections along 125th Street, however, shall be modified, as follows:

(a) To allow articulation of #street walls# at the intersection of 125th Street and any #street# other than Park Avenue, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

On Park Avenue, within 50 feet of its intersection with 125th Street, the #street wall# may be located anywhere within 15 feet of the Park Avenue #street line#.

(b) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet and up to the applicable minimum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate length of such recesses does not exceed 30 percent of the length of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.

(c) All #developments# or #enlargements# shall comply with the #street wall# location and minimum #street wall# height provisions of this Section, except that such requirements shall not apply to any existing #buildings# fronting upon 125th Street that are to remain on the #zoning lot#.

(d) The requirements of this Section shall not apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line.

97-44
Special Provisions for Zoning Lots Divided by District Boundaries

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that within the Core Subdistrict, as shown on the map in Appendix A of this Chapter, if a #through lot# which is completely within the Subdistrict has #street# frontage on 125th Street and is partially within a C4-4D District and partially within a C6-3 District, the #floor area# may be located anywhere on the #zoning lot# without regard to the requirements of Sections 77-22 (Floor Area Ratio).

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that for a #through lot# that is

completely within the Core Subdistrict, #floor area# may be located anywhere on the #zoning lot# without regard to the requirements of Section 77-22 (Floor Area Ratio).

97-50
SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-Street Parking and Off-Street Loading Regulations) shall apply within the #Special 125th Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125th Street within the Special District may be modified, so that such facilities may be provided off-site, within the same #zoning district#, but at a distance no greater than 1,200 feet from the zoning lot#.

97-51
Required Accessory Off-Street Residential Parking

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) , inclusive.

97-52
Required Accessory Off-Street Commercial Parking

In Commercial Districts within the #Special 125th Street District#, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) , inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

97-53
Location of Access to the Street
Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125th Street or any other #wide street# that intersects with 125th Street, other than under the specific conditions of Sections 97-55 (Certification for access to required uses) and 97-56 (Authorization for access to permitted uses)

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of 97-54 (Parking access through residential zoning lots).

97-54
Parking Access through Residential Zoning Lots

When a #residential zoning lot# fronts upon either 124th or 126th Street within the #Special 125th Street District# and the #rear lot line# abuts a #zoning lot# that fronts only on 125th Street, and such #zoning lot# has been vacant since (date of enactment), access for parking and loading purposes may be made through such #zoning lot#.

97-55
Certification for Access to Required Uses

If access to a required #accessory# residential parking facility or loading berth is not possible because of the requirements of Section 97-53 a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

(a) the only possible location for the facility or loading berth;

(b) not hazardous to traffic safety;

(c) located not less than 50 feet from the intersection of any two #street lines#; and

(d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

97-56
Authorization for Access to Permitted Parking Facilities or Loading Berths

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

(a) If access to a permitted #accessory residential# or public parking facility is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #uses#, provided such curb cuts:

(1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and

(2) will not interfere with the efficient functioning of public transit facilities.

(b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #use#, provided:

(1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;

(2) such maneuvering area is at least equal in size to the area of the loading berth; and

(3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

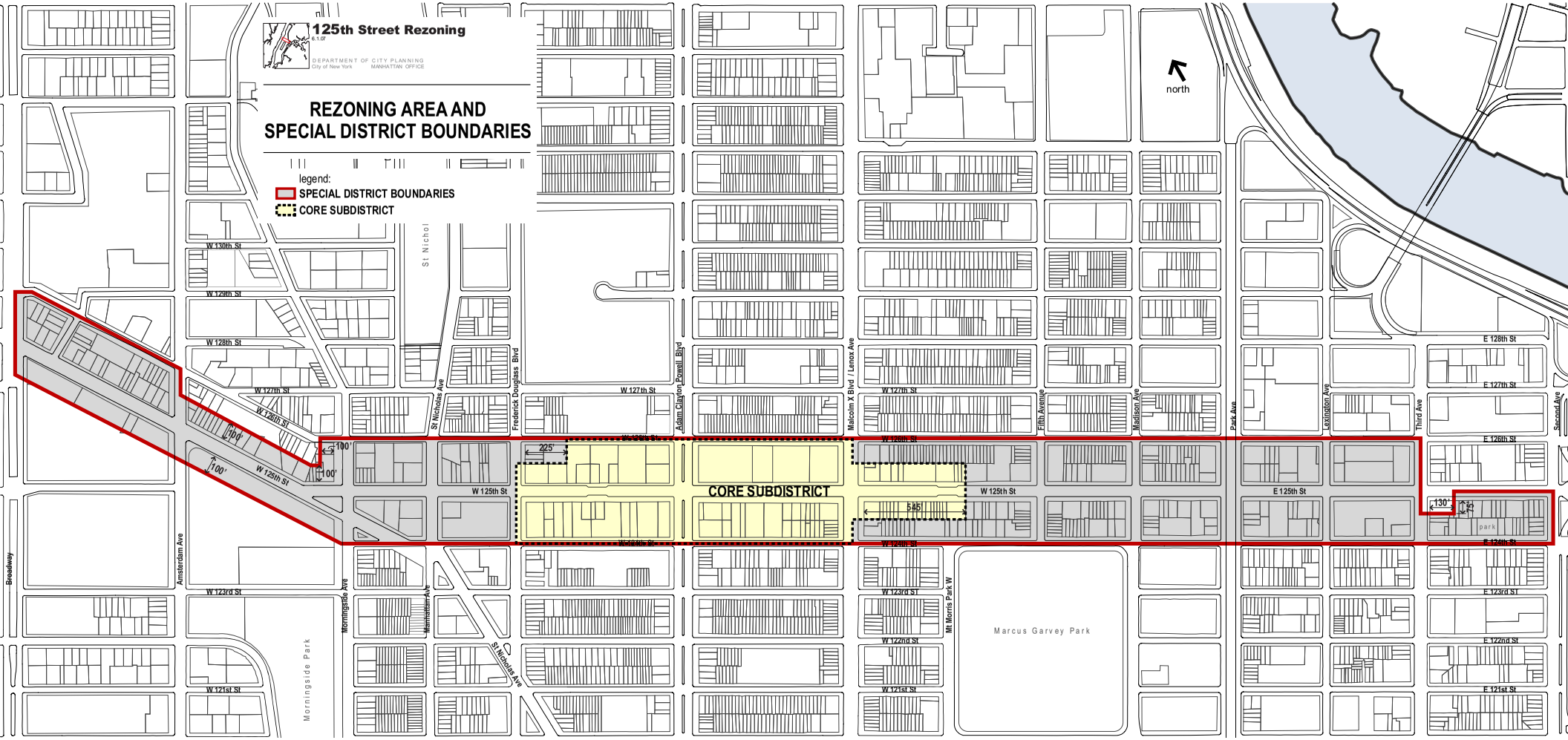
Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

97-57
Public Parking Facilities

Notwithstanding the special permit regulations of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-512 and 74-52.

#Public parking lots# are not permitted on zoning lots with 125th Street frontage between Second Avenue and Broadway.

* * *


125th Street Rezoning
6.1.07
DEPARTMENT OF CITY PLANNING
City of New York MANHATTAN OFFICE
REZONING AREA AND
SPECIAL DISTRICT BOUNDARIES
legend:
SPECIAL DISTRICT BOUNDARIES
CORE SUBDISTRICT
north
CORE SUBDISTRICT
Marcus Garvey Park
Morningside Park
W 130th St
W 129th St
W 128th St
W 127th St
W 126th St
W 125th St
W 123rd St
W 122nd St
W 121st St
E 128th St
E 127th St
E 126th St
E 125th St
E 123rd St
E 122nd St
E 121st St
St Nicholas Ave
Frederick Douglass Blvd
Adam Clayton Powell Blvd
Malcolm X Blvd / Lenox Ave
Fifth Avenue
Madison Ave
Park Ave
Lexington Ave
Third Ave
Second Ave
Broadway
Amsterdam Ave
Morningside Ave
Manhattan Ave
Mt Morris Park W
100'
225'
585'
130'
175'
park

Special 125th Street District

"A" Zoning Text Amendment

(Includes Arts Bonus)

D R A F T

December 17, 2007

Matter in underline is new, to be added
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in 12-10 or
* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I
GENERAL PROVISIONS

* * *

11-12
Establishment of Districts

* * *

Establishment of the Special 125th Street District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the Special 125th Street District is hereby established.

Establishment of the Special Battery Park City District

* * *

12-10
DEFINITIONS

* * *

Special 125th Street District

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125th Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

Special Battery Park City District

* * *

Chapter 3
Sidewalk Cafe Regulations

* * *

14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

* * *

Manhattan	#Enclosed Sidewalk Café#	#Unenclosed Sidewalk Café#
125th Street District	Yes	Yes
Battery Park City District	Yes	Yes

* * *

Article II
Residence District Regulations

* * *

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-00
APPLICABILITY AND GENERAL PURPOSES

* * *

23-011

Quality Housing Program

* * *

(c) The Quality Housing Program shall not apply to:

(1) Article VII, Chapter 8 (Large Scale Residential Developments)

(2) Special Purpose Districts, except the following:

* * *

(viii) the #Special Downtown Brooklyn District#; ~~or~~

(ix) the #Special 125th Street District#; or

* * *

24-161
Maximum floor area ratio for zoning lots containing community facility and residential uses

* * *

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program~~ the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

* * *

35-31
Maximum Floor Area Ratio for Mixed Buildings

* * *

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

* * *

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, ~~the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.~~ the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90.

* * *

ARTICLE IX, CHAPTER 7
(97-00) IS NEW TEXT; IT IS NOT UNDERLINED;

* * *

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 7
Special 125th Street District

97-00
GENERAL PURPOSES

The "Special 125th Street District" established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

(a) to preserve, protect and promote the special character of 125th Street as Harlem's "Main Street" and the role of 125th Street as Upper Manhattan's premier mixed use corridor;

(b) to guide development on the 125th Street corridor;

(c) to expand the retail and commercial character of 125th Street;

(d) to provide incentives for the creation of visual and performing arts space and enhance the area's role as a major arts, entertainment and cultural destination in the City

(e) to support mixed use development through out the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;

(f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;

(g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;

(h) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

97-01
Definitions

Special 125th Street District

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply. The #Special 125th Street District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

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 to all #developments#, #enlargements#, alterations and changes of #use# within the Special District. The regulations of the Special District shall supersede, supplement or modify the requirements of the underlying zoning districts on which the Special District is superimposed, except as described in Section 97-05 (Applicability of Special Transit Land Use District Regulations).

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.

97-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including the map of the #Special 125th Street District#, is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

97-04
Establishment of Core Subdistrict

In order to carry out the purposes and provisions of this Chapter, the Core Subdistrict is established within the #Special 125th Street District# and includes specific regulations designed to promote and maintain the establishment of an arts and entertainment environment along 125th Street, from Frederick Douglass Boulevard on the west to 545 feet east of Malcolm X Boulevard on the east and from 124th to 126th Streets. The boundaries of the Core Subdistrict are shown on the map of the #Special 125th Street District# in Appendix A of this Chapter.

97-05
Applicability of Special Transit Land Use District Regulations

Wherever the #Special Transit Land Use District# includes an area which also lies within the #Special 125th Street District#, the requirements of the #Special Transit Land Use District#, as set forth in Article

IX, Chapter 5, shall apply, subject to the modifications described in paragraphs (e) and (f) of Section 97-433 (Street wall location).

The #Special Transit Land Use District# includes the area within the #Special 125th Street District# bounded by a line 50 feet west of Second Avenue from 124th Street midway to 125th Street where such area widens to a line 100 feet west of Second Avenue.

97-10
SPECIAL USE AND LOCATION REGULATIONS

97-11
Special Arts and Entertainment Uses

In order to sustain the arts and entertainment character of the 125th Street corridor, the provisions of this Section shall apply.

(a) The following #uses# shall be designated as entertainment #uses#:
Auditoriums
Bookstores
Clubs, including music, dance or comedy clubs
Eating or drinking establishments, with table service only
Music stores
Studios, art, music, dancing or theatrical
Studios, radio, television or motion picture

(b) The following #uses# shall be designated as visual or performing arts #uses#:
Art galleries
Historical exhibits
Museums
Performance spaces
Theaters

(c) All #uses# designated in this Section shall be permitted to locate anywhere within a #development# or #enlargement# pursuant to the requirements of Section 97-21.

(d) Within C4-4D, C4-7 and C6-3 Districts, one or more of the visual or performing arts #uses# designated in this Section shall be provided in new #developments# and #enlargements# in order to apply for bonus #floor area# pursuant to the provisions of Section 97-422 (Floor Area Bonus for Arts Uses).

97-12
Entertainment and Arts Related Use Requirement

Within the Core Subdistrict, as shown on the map in Appendix A of this Chapter, for new #developments# or #enlargements# that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125th Street, a minimum of five percent of the #floor area# of the #development# or #enlargement# shall be occupied by one or more of the #uses# designated in Section

97-11 (Special Arts and Entertainment Uses).

97-20
LOCATION AND ACCESS REGULATIONS

Within the #Special 125th Street District#, for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the locational and access requirements of Sections 97-20, inclusive. On #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-21
Location and Access of Arts and Entertainment Uses

The designated #uses# listed in Section 97-11 may be located anywhere throughout a #building# that fronts on 125th Street, provided the following conditions are met:

(a) any such designated #uses# within the Core Subdistrict required pursuant to Section 97-12 are accessed from 125th Street; and

(b) any #residential use# is located on a floor wholly above any non-#residential use#; or

(c) any non-#residential use# shall be permitted on the same #story# as a #residential use#, provided that:

(1) no access exists between any non-#residential use# and #residential use# at any level; and

(2) non-#residential uses# are not located directly over any #residential uses#.

Such non-#residential use#, however, may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

97-22
Uses Not Permitted on the Ground Floor of Buildings

Within the #Special 125th Street District#, the #uses# listed in this Section are not permitted at the ground floor level of #developments# and #enlargements# that front upon 125th Street, within 100 feet from 125th Street, or within five feet of the as-built level of the adjoining sidewalk. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level provided that they comply with the provisions of Section 97-221 (Access to non-ground floor uses).

From Use Group 2:
All #uses#.

From Use Groups 3A and 3B:
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#.

From Use Groups 6A, 6B, 6C and 6E:
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, measured to a depth of 30 feet from 125th Street, except that such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:
All #uses#.

Use Groups 12A and 12B:
Trade expositions.

Use Groups 12C and 12D:
All #uses#.

Use Group 14A and 14B:
All #uses#, except for bicycle sales, rental or repair shops.

Within the Special District, for #developments# and #enlargements that are no more than one #story#, a #use# permitted by the regulations of the underlying district shall be allowed.

97-221
Access to non-ground floor uses

Within the Special District, for #uses# listed in Section 97-22 (Uses Not Permitted On Ground Floor Of Buildings), the length of #street# frontage allocated to an entranceway or lobby space shall be no more than 25 linear feet or 40 percent of the #zoning lot#, whichever is less, except that an entranceway or lobby space need not be less than 20 feet.

For a #development# or #enlargement# with more than one entranceway or lobby for non-ground floor #uses#, each entranceway or lobby for #uses# listed in Section 97-22 shall be no more than 25 linear feet and, in the aggregate, shall not exceed 40 percent of the ground floor frontage of the #zoning lot#.

For #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the length of #street# frontage allocated to entranceways or lobby space for such #uses# shall be no more than 40 linear feet of the ground floor frontage of the #zoning lot#.

97-23
Transparency Requirements

For all #uses#, other than houses of worship and libraries, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

97-24
Security Gates

Within the #Special 125th Street District#, all security gates installed after (date of enactment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

97-30
SPECIAL SIGN REGULATIONS

#Signs# for all #uses# within the #Special 125th Street District# shall be subject to the applicable #sign# requirements in Section 32-60, inclusive, subject to the modifications of Sections 97-31 through 97-34, inclusive.

#Marquee signs# for an arts #use# may be combined, subject to the requirements of Section 32-641 (Total surface area of signs).

In the event of a conflict between the provisions of this Section, 97-30, inclusive, and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

97-31

Definitions

Marquee
A "marquee" is a permanent structure or canopy located above the primary entrance to an arts #use# fronting on 125th Street, that projects over the sidewalk and is attached to, and entirely supported from, the #street wall# of the #building#. The location and dimensions of the #marquee# shall be determined by the requirements of Sections 97-32.

All marquees shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9, of the New York City Building Code pertaining to projecting signs, or its successor.

Marquee sign
A "marquee sign" is a #sign#, other than an #advertising sign#, mounted on a #marquee# that identifies the arts #use# and provides informational displays about such #use#.

97-32
Accessory Signs for Arts Uses

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following arts #uses# fronting on 125th Street within the #Special 125th Street District# shall be permitted to erect a #marquee sign# on or above a #marquee#:

Museums
Performance spaces
Theaters.

Flashing #signs# shall not be permitted as #accessory signs# for arts #uses#.

97-33
Location, Height and Width of Marquees and Marquee Signs

For the purposes of this Chapter, #marquees# shall be permitted only above the primary entrance to an arts #use# listed in Section 97-32 and fronting upon 125th Street.

Marquees shall project over the sidewalk no more than 15 feet from the #lot line# and shall be no nearer to the curb than two feet.

(a) Height of #marquees#

The minimum height of a #marquee# or a #marquee sign# shall be three feet; the maximum height for such structure and #sign# shall be five feet. No part of a #marquee# or a #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(b) Width of #marquees#

The width of a #marquee# or a #marquee sign# shall be no greater than 50 percent of the width of the #building# frontage to which it is attached or 40 feet, whichever is less.

97-34
Vertical Distance above Sidewalk of Marquees and Marquee Signs

The minimum vertical distance from the sidewalk for a #marquee# shall be 12 feet; the maximum vertical distance above the sidewalk for such #sign# shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section 32-653 (Additional regulations for projecting signs), additional #signs# may be displayed on a #marquee#, provided such #sign# is no more than two feet above the #marquee#.

No #marquee# or #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

97-40
SPECIAL BULK REGULATIONS

Within the #Special 125th Street District#, except as set forth in this Section, inclusive, all #developments# and #enlargements# shall comply with the requirements of Article II, Chapter 8 (Quality Housing) and the applicable #bulk# regulations of the underlying districts, except as modified in this Section, inclusive.

97-41
Floor Area Regulations

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

97-411
Maximum floor area ratio in C4-4D, C4-7 and C6-3 Districts

In C4-4D, C4-7 or C6-3 Districts within the Special District, the maximum permitted #floor area ratios# for new #developments# or #enlargements# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may only be increased pursuant to Section 97-42 (Floor Area Bonuses).

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES			
District	#Residential Floor Area Ratio# (max)	Commercial #Floor Area Ratio# (max)	Community Facility #Floor Area Ratio# (max)
C4-4D	5.4	4.0	6.0
C4-7	9.0	10.0	10.0
C6-3	6.0	6.0	6.0

97-42
Floor Area Bonuses

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to Sections 97-421and 23-90 (Inclusionary Housing) or 97-422 (Floor Area Bonus for Visual or Performing Arts Uses), which may be used concurrently.

97-421
Inclusionary Housing

Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus for the provision of affordable housing, on-site or off-site, pursuant to the provisions of Sections 23-90, inclusive.

97-422
Floor area bonus for visual or performing arts uses

In C4-4D, C4-7 or C6-3 Districts within the #Special 125th Street District#, the maximum #floor area ratio# for #residential# and #commercial uses# listed in Section 97-411 for a new #development# or #enlargement# with frontage on 125th Street, may be increased by four square feet for each square foot of #floor area# committed to the provision of those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), up to the maximum #floor area ratio# specified in the following table, upon meeting the requirements for certification set forth in Section 97-423.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) WITH FLOOR AREA BONUS FOR ARTS USES FOR RESIDENTIAL AND COMMERCIAL USES				
District	#Residential Floor Area Ratio# (max)		Commercial #Floor Area Ratio# (max)	
	Base FAR	Maximum FAR	Base FAR	Maximum FAR
C4-4D	5.4	7.2	4.0	5.4
C4-7	9.0	12.0	10.0	12.0
C6-3	6.0	8.0	6.0	8.0

97-423
Certification for floor area bonus for visual or performing arts uses

The #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

(a) Drawings have been provided that clearly designate all #floor area# for any new visual or performing arts #uses# for which a bonus is to be received pursuant to Section 97-422. Such drawings shall be of sufficient detail to show that such visual or performing arts space shall be designed, arranged and used for the exhibition of visual arts or the presentation of live drama, music, dance, interactive or multidisciplinary performances and the rehearsals associated with such performances. Such drawings shall indicate that a maximum of 40 percent of such bonus #floor area# shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of the total bonused #floor area#. #Accessory uses# shall include but are not limited to educational and classroom space, rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and theater equipment space;

(b) Drawings have been provided that show all bonused #floor area# occupied by visual or performing arts #uses# is to be located at or above ground level and accessed from 125th Street. Drawings shall also show that signage is to be provided at the 125th Street entrance that identifies the visual or performing arts facility and its primary #use#;

(c) A signed lease has been provided from the prospective operator of the visual or performing arts space, or a written commitment from the owner of such space, if such owner is also the operator, for occupancy of such space, and its operation as a visual or performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;

(d) A letter from the Department of Cultural Affairs has been submitted certifying that:

(1) the proposed operator of the visual or performing arts space is a bona-fide non-profit organization;

(2) the proposed operator of the visual or performing arts space has the fiscal and managerial capacity to successfully operate such space;

(3) the proposed operator of the visual or performing arts space will have a program of regularly scheduled presentations that are open to the public;

(4) preliminary design plans have been provided from the applicant to the Department of Cultural Affairs for the new visual or performing arts space, which shall include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems necessary to ensure that such visual or performing arts space will operate efficiently for its intended use; and

(5) a written commitment from the applicant has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work;

(e) A legal commitment has been provided for inspection and ongoing maintenance of the visual or performing arts space to ensure its continued availability for #use# as a visual or performing arts space by the operator, as identified in paragraphs (a) through (d) of this Section. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Commissioner of the Department of Cultural Affairs and the Chairperson of the City Planning Commission. Such report shall identify the operator utilizing the space, describe the condition of the space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of such space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(f) A legal commitment has been provided for continuance of the #use# of all #floor area# for which a bonus has been received, pursuant to this Section, as a visual or performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of the Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraph (d) of this Section have been met as to the proposed operator.An #adult establishment# #use# shall be prohibited for the life of the related #development#

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the visual or performing arts space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson of the City Planning Commission under the terms of such declaration, and receipt of a certified copy of such declaration shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete, which

shall, for this purpose, mean that such visual or performing arts space is usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any Temporary or Final Certificate of Occupancy for the #building#.

97-43
Special Lot Coverage Regulations

The maximum #lot coverage# for #residential use# in C6-3 Districts within the #Special 125th Street District# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#.

Within the Special District, there shall be no maximum #lot coverage# applied to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

97-44
Special Height and Setback Regulations

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

The provisions of paragraph (b) of Section 23-663 (Required rear setbacks for tall buildings in other districts) shall not be applicable within the Special District.

97-441
Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the Special District, except that the provisions of paragraph (c) shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane# provided that either:

(a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or

(b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

97-442
Height and setback regulations for C4-7 and C6-3 districts

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Special District:

(a**)** The minimum and maximum base height of the #street wall# and the maximum height of a #development# or #enlargement# shall be modified, as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	Street Wall Height (in feet)		Maximum Building Height (in feet)
	Minimum Base Height	Maximum Base Height	
C4-7	60	85	290
C6-3	60	85	160

All portions of buildings that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of 97-433 (Street wall location).

(b) In C4-7 Districts, within 50 feet of the 126th Street frontage on the #block# between Adam Clayton Powell Boulevard and Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #development# or #enlargement# shall be limited to 80 feet.

(c) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

97-443
Street wall location

In all #Commercial Districts# within the #Special 125th Street District#, the #street wall# of any #development# or #enlargement# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions shall be modified, as follows:

(a) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection;

(b) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection;

(c) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate length of such recesses does not exceed 30 percent of the length of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.

(d) All #developments# or #enlargements# shall comply with the #street wall# location and minimum #street wall# height provisions of this Section, except that such requirements shall not apply to any existing #buildings# that are to remain on the #zoning lot#.

(e) For any #development# or #enlargement# within the #Special 125th Street District# that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the residential portion of such #development# or #enlargement# may be subject to the R8A #streetwall# requirements and the commercial portion of such #development# or #enlargement# may be subject to the C4-4D #street wall# requirements in lieu of the requirements of this Section.

(f) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

97-44
Special Provisions for Zoning Lots Divided by District Boundaries

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that for a #through lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on the #zoning lot# without regard to the requirements of Section 77-22 (Floor Area Ratio).

97-50

SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-Street Parking and Off-Street Loading Regulations) shall apply within the #Special 125th Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125th Street within the Special District may be modified, so that such facilities may be provided off-site, within a #Commercial District#, but at a distance no greater than 1,200 feet from the zoning lot#.

97-51
Required Accessory Off-Street Residential Parking

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) , inclusive.

97-52
Required Accessory Off-Street Commercial Parking

In Commercial Districts within the #Special 125th Street District#, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) , inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

97-53
Location of Access to the Street

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125th Street or any other #wide street# that intersects with 125th Street, other than under the specific conditions of Sections 97-55 (Certification for access to required uses) and 97-56 (Authorization for access to permitted uses)

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of 97-54 (Parking access through residential zoning lots).

97-54
Parking Access through Residential Zoning Lots

When a #residential zoning lot# fronts upon either 124th or 126th Street within the #Special 125th Street District# and the #rear lot line# abuts a #zoning lot# that fronts only on 125th Street, and such #zoning

lot# has been vacant since (date of enactment), access for parking and loading purposes may be made through such #zoning lot#.

97-55
Certification for Access to Required Uses

If access to a required #accessory# residential parking facility or loading berth is not possible because of the requirements of Section 97-53 a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

(a) the only possible location for the facility or loading berth;

(b) not hazardous to traffic safety;

(c) located not less than 50 feet from the intersection of any two #street lines#; and

(d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

97-56
Authorization for Access to Permitted Parking Facilities or Loading Berths

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

(a) If access to a permitted #accessory residential# or public parking facility is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #uses#, provided such curb cuts:

(1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and

(2) will not interfere with the efficient functioning of public transit facilities.

(b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #use#, provided:

(1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;

(2) such maneuvering area is at least equal in size to the area of the loading berth; and

(3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

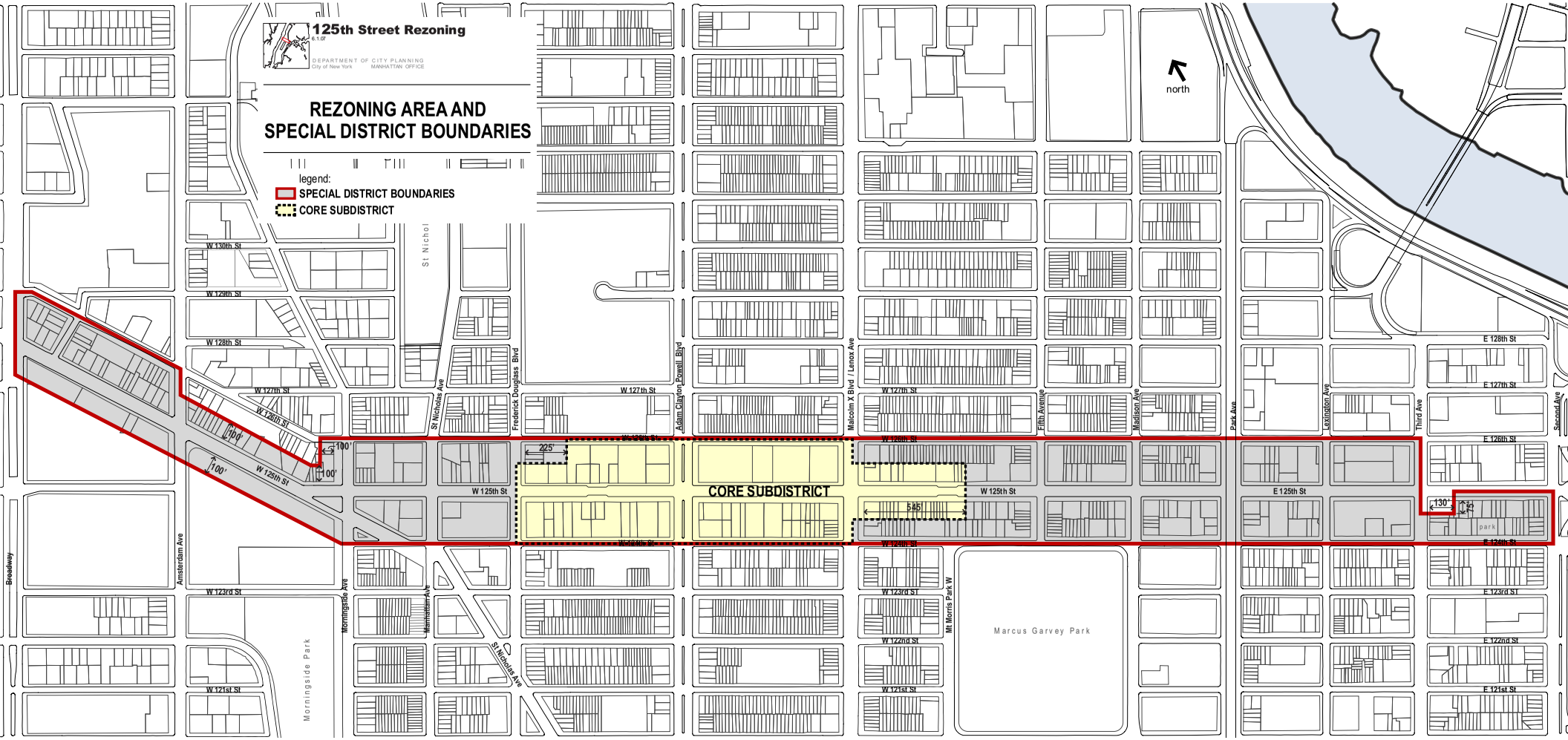
Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

97-57
Public Parking Facilities

Notwithstanding the special permit regulations of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-512 and 74-52.

#Public parking lots# are not permitted on zoning lots with 125th Street frontage within the Special District.

* * *


125th Street Rezoning
6.1.07
DEPARTMENT OF CITY PLANNING
City of New York MANHATTAN OFFICE
REZONING AREA AND
SPECIAL DISTRICT BOUNDARIES
legend:
SPECIAL DISTRICT BOUNDARIES
CORE SUBDISTRICT
north
CORE SUBDISTRICT
Marcus Garvey Park
Morningside Park
W 130th St
W 129th St
W 128th St
W 127th St
W 126th St
W 125th St
W 123rd St
W 122nd St
W 121st St
E 128th St
E 127th St
E 126th St
E 125th St
E 123rd St
E 122nd St
E 121st St
St Nicholas Ave
Frederick Douglass Blvd
Adam Clayton Powell Blvd
Malcolm X Blvd / Lenox Ave
Fifth Avenue
Madison Ave
Park Ave
Lexington Ave
Third Ave
Second Ave
Broadway
Amsterdam Ave
Morningside Ave
Manhattan Ave
Mt Morris Park W
100'
225'
585'
130'
175'
park