

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Bill de Blasio, Mayor

CITY PLANNING COMMISSION  
Carl Weisbrod, Chairman

## Article XIII: Special Purpose Districts Chapter 2: Special Enhanced Commercial District

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(6/28/12)

## **Article XIII - Special Purpose Districts**

### **Chapter 2**

#### **Special Enhanced Commercial District**

(4/20/16)

#### **132-00**

##### **GENERAL PURPOSES**

The "Special Enhanced Commercial District," established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- (a) in "Special Enhanced Commercial District" 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;
- (b) in "Special Enhanced Commercial District" 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks;
- (c) in "Special Enhanced Commercial District" 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (d) in "Special Enhanced Commercial District" 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (e) in "Special Enhanced Commercial District" 5, to enhance the vitality of emerging commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (f) in "Special Enhanced Commercial District" 6, to enhance the

vitality of well-established commercial districts by ensuring that ground floor frontages continue to be occupied by active uses that enliven the pedestrian experience along the street; and

- (g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

(6/28/12)

### **132-10**

#### **GENERAL PROVISIONS**

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

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

(4/20/16)

### **132-11**

#### **Special Enhanced Commercial Districts Specified**

The #Special Enhanced Commercial District# is mapped in the following areas:

- (a) #Special Enhanced Commercial District# 1

The #Special Enhanced Commercial District# 1 (EC-1) is established on November 29, 2011, on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

- (1) Fourth Avenue, in the Borough of Brooklyn, generally between 24th Street and Atlantic Avenue.

- (b) #Special Enhanced Commercial District# 2

The #Special Enhanced Commercial District# 2 (EC-2) is established on June 28, 2012, on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and
- (2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3

The #Special Enhanced Commercial District# 3 (EC-3) is established on June 28, 2012, the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4

The #Special Enhanced Commercial District# 4 (EC-4) is established on October 11, 2012, the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

- (1) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner Place and Monroe Street.

(e) #Special Enhanced Commercial District# 5

The #Special Enhanced Commercial District# 5 (EC-5) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

- (1) Atlantic Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Euclid Avenue;
- (2) Pitkin Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Crescent Avenue;
- (3) Fulton Street, in the Borough of Brooklyn, generally between Eastern Parkway and Van Sinderen Avenue; and

(4) Pennsylvania Avenue, in the Borough of Brooklyn, generally between Fulton Street and Atlantic Avenue.

(f) #Special Enhanced Commercial District# 6

The #Special Enhanced Commercial District# 6 (EC-6) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

(1) Fulton Street, in the Borough of Brooklyn, between Sheffield Avenue and Euclid Avenue.

(6/28/12)

### **132-12 Definitions**

Ground floor level

For the purposes of this Chapter, "ground floor level" shall mean a #building's# lowest #story# located within 30 feet of the #building's street wall# along a #designated commercial street#.

Designated commercial street

For the purposes of this Chapter, a "designated commercial street" shall be the portion of those #streets# specified in Section 132-11.

(4/20/16)

### **132-13 Applicability of Special Use, Transparency, Street Wall and Parking Regulations**

The special #use#, transparency, street wall and parking regulations of this Chapter shall apply to #buildings# in #Special Enhanced Commercial Districts# as designated in the following table, except as otherwise provided in Sections 132-21, 132-31 and 132-41.

Table  
Special Regulations for Enhanced Commercial Districts

Use Regulations

#Special Enhanced Commercial District#	Mandatory Ground Floor #Uses#			Minimum Number of Establishments (132-23)
	Minimum Percentage of #Commercial Uses# (132-22 (a))	Mandatory Non- #Residential Uses# (132-22 (b))	Other Permitted #Uses# (133-22 (c))	
EC - 1 (Fourth Avenue, Brooklyn)	X		X	
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)				X
EC - 3 (Broadway, Manhattan)				
EC - 4 (Broadway, Brooklyn)		X	X	
EC - 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)		X	X	
EC - 6 (Fulton Street, Brooklyn)		X	X	

#Special Enhanced Commercial District#	Maximum #Street Wall# Width		
	Banks and Loan Offices (132-24 (a))	Other Non-#Residential# Establishments (132-24 (b))	#Ground Floor# Lobbies (37-33 (a) (1))
EC - 1 (Fourth Avenue, Brooklyn)			X
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)	X	X	X
EC - 3 (Broadway, Manhattan)	X		X
EC - 4 (Broadway, Brooklyn)			X
EC - 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street Brooklyn)			X
EC - 6 (Fulton Street, Brooklyn)			X

Transparency, #Street Wall# and Parking Regulations

#Special Enhanced Commercial District#	Ground Floor Transparency (132-32)	#Street Wall# Location (132-33)	Location of Parking Spaces (132-42)	Curb Cuts (132-43)
EC - 1 (Fourth Avenue, Brooklyn)	X		X	X
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)	X			
EC - 3 (Broadway, Manhattan)	X			

EC - 4 (Broadway, Brooklyn)	X		X	X
EC - 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)	X		X	X
EC - 6 (Fulton Street, Brooklyn)	X	X	X	X

(4/20/16)

## **132-20**

### **SPECIAL USE REGULATIONS**

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-21 (Applicability of Use Regulations).

In all #Special Enhanced Commercial Districts#:

- (a) the finished floor of the #ground floor level#, for #developments# or #ground floor level enlargements#, shall be located not higher than two feet above, nor lower than two feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#; and
- (b) where regulations apply to existing #buildings# in #Special Enhanced Commercial Districts# 2 and 3, constructed prior to June 28, 2012, the finished floor of the #ground floor level# shall be located not higher than five feet above, nor lower than five feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#.

(4/20/16)

## **132-21**

### **Applicability of Use Regulations**

In #Special Enhanced Commercial Districts#, the applicable special #use# provisions set forth in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply as follows:

- (a) #Special Enhanced Commercial Districts# 1, 4, 5 and 6

In the #Commercial Districts# located within #Special Enhanced Commercial Districts# 1, 4, 5 and 6, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to #developments# and to

#buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, except that such provisions shall not apply to #zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on:

- (1) November 29, 2011, in #Special Enhanced Commercial District# 1;
- (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
- (3) April 20, 2016, in #Special Enhanced Commercial District# 5; and
- (4) April 20, 2016, in #Special Enhanced Commercial District# 6.

(b) #Special Enhanced Commercial Districts# 2 and 3

In #Special Enhanced Commercial Districts# 2 and 3, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to all #buildings# with frontage along a #designated commercial street#, except that such provisions shall not apply to:

- (1) the portion of a #ground floor level# of a #building# containing a #commercial use# continuously existing since June 28, 2012, where the average depth of such #commercial use# is less than 30 feet, as measured from the #street wall# of the #building# fronting upon the #designated commercial street#;
- (2) any establishment which has been lawfully issued a building permit on or before June 28, 2012, authorizing "other construction," as set forth in paragraph (c)(3) of Section 11-31 (General Provisions), that would create a #street wall# width exceeding the maximum #street wall# width set forth in Section 132-24, provided that such "other construction" is completed by December 28, 2012. However, where such establishment is located within a landmark #building# or within an Historic District designated by the Landmarks Preservation Commission, and a completed application has been filed at the Landmarks Preservation Commission on or before June

28, 2012, such "other construction" shall be completed within six months after a Certificate of Appropriateness or other permit approving the #building# design was obtained from the Landmarks Preservation Commission.

In the event that such "other construction" has been commenced but not completed before the applicable date set forth in this paragraph, (b)(2), the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit pursuant to the provisions set forth in paragraph (b) of Section 11-332 (Extension of period to complete construction); and

- (3) in #Special Enhanced Commercial District# 2, the portion of a #ground floor level# of a #building# containing a food store, as listed in Use Group 6A, where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non food grocery products shall be distributed as follows:
  - (i) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
  - (ii) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

(6/28/12)

### **132-211**

#### **Non-conforming uses**

In #Special Enhanced Commercial Districts# 2 and 3, the regulations of Article V, Chapter 2, shall be modified, as follows:

- (a) For the purposes of this Chapter, #non-conforming uses# shall include #ground floor level uses# exceeding the applicable maximum #street wall# widths set forth in Section 132-24.
- (b) Any #ground floor level use# with a #non-conforming street wall# width may be continued or changed to another #use# permitted by the applicable district regulations, provided that such change of #use# does not create a new #non-conformance# or increase the degree of #non-conformance# with regard to the permitted #street wall# width of such proposed #use#. The discontinuance provisions of Section 52-60 shall not apply to such change of #use# within establishments with #non-conforming street wall# widths.

(4/20/16)

### **132-22**

#### **Mandatory Ground Floor Uses**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon a #designated commercial street#.

- (a) Minimum percentage of #commercial uses#

Mandatory #commercial use# regulations shall apply to an area of a #building's ground floor level# defined by an

aggregate width equal to at least 50 percent of a #building's street wall# along a #designated commercial street# and a depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. Such an area on the #ground floor level# shall be occupied by #commercial uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B or 9A.

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, or by other #uses# permitted pursuant to paragraph (c) of this Section.

(b) Mandatory non-#residential uses#

In the applicable #Special Enhanced Commercial Districts#, the #ground floor level# of a #building# fronting along a #designated commercial street# shall be occupied by any non-#residential use# permitted by the underlying district regulations or by other #uses# permitted pursuant to paragraph (c) of this Section.

(c) Other permitted #uses#

In the applicable #Special Enhanced Commercial Districts#, Type 1 lobbies, entrances and exits to #accessory# parking facilities and entryways to subway stations, where applicable, shall be permitted on the #ground floor level# of a #building# along a #designated commercial street#, in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses).

(4/20/16)

## **132-23**

### **Minimum Number of Establishments**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with a #lot width# of 50 feet or more, as

measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage. In addition, each such #ground floor level# establishment shall comply with the minimum depth requirements of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

(4/20/16)

### **132-24**

#### **Maximum Street Wall Width**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

(a) Banks and loan offices

In the applicable #Special Enhanced Commercial Districts#, within 30 feet of a #building's street wall# along a #designated street#, the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, on a #ground floor level# shall not exceed 25 feet.

(b) Other non-#residential# establishments

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any non-#residential ground floor level# establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.

(4/20/16)

### **132-30**

#### **SPECIAL TRANSPARENCY AND STREET WALL LOCATION REGULATIONS**

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and

Parking Regulations), except as otherwise provided in Section 132-31.

(4/20/16)

### **132-31**

#### **Applicability of Transparency Regulations**

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts on a #designated commercial street#, except that such provisions shall not apply:

- (a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:
  - (1) November 29, 2011, for #Special Enhanced Commercial District# 1;
  - (2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3;
  - (3) October 11, 2012, for #Special Enhanced Commercial District# 4; and
  - (4) April 20, 2016, for #Special Enhanced Commercial Districts# 5 and 6;
- (b) in #Special Enhanced Commercial Districts# 1, 4, 5 and 6, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units#.

(4/20/16)

### **132-32**

#### **Ground Floor Level Transparency Requirements**

In the applicable #Special Enhanced Commercial Districts#, as

indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the special transparency regulations of Section 37-34 (Minimum Transparency Requirements) shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#.

However, in #Special Enhanced Commercial Districts# 5 and 6, for #buildings# containing Use Groups 16, 17 and 18 at the #ground floor level#, up to 50 percent of the length of a #street wall# may be exempt from such regulations. Where the exempted portion is 50 feet or more in length and contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is less, such exempted portion shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. Where an #extension# or a #conversion# of the #ground floor level# results in a reduction of the exempted portion, provisions set forth in Section 37-34 shall apply to such reduced portion.

(4/20/16)

### **132-33**

#### **Street Wall Location**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to a #street wall# or its prolongation fronting along a #designated commercial street#. The open area between the #street line# and #street wall#, or its prolongation, resulting from requirements set forth in this Section, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. When applying requirements set forth in this Section, two or more adjacent #developments# or #enlargements# under common ownership or control shall be considered a single #development# or #enlargement#.

In #Commercial# and #Manufacturing Districts#, other than C4-4L Districts, mapped within #Special Enhanced Commercial District# 6, for #developments# or horizontal #enlargements# at the ground

level, resulting in a #street wall# of 40 feet or wider, as measured along the #street line# of the #designated commercial street#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

(4/20/16)

**132-40**  
**SPECIAL PARKING REGULATIONS**

The special parking regulations of this Section, inclusive, shall apply to all #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations).

(4/20/16)

**132-41**  
**Applicability of Parking Regulations**

In #Special Enhanced Commercial Districts#, the applicable special parking provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to all #buildings# with frontage along a #designated commercial street#.

(4/20/16)

**132-42**  
**Locations of Parking Spaces**

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated

commercial street#.

All off-street parking spaces shall be located within a #completely enclosed building# and shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements), as applicable.

Entrances to such spaces along a #designated commercial street# shall be permitted only where a curb cut is allowed in accordance with the provisions of Section 132-43.

(4/20/16)

### **132-43**

#### **Curb Cut Requirements**

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along a #designated commercial street#.

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on:
  - (1) November 29, 2011, in #Special Enhanced Commercial District# 1;
  - (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
  - (3) April 20, 2016, in #Special Enhanced Commercial District# 5; or

- (4) April 20, 2016, in #Special Enhanced Commercial District# 6;
- (c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and
- (d) has a #lot area# of at least 5,700 square feet.

(6/28/12)

### **132-50**

#### **CERTIFICATIONS AND AUTHORIZATIONS**

(6/28/12)

### **132-51**

#### **Certification to Allow a Limited Increase in Street Wall Width**

In #Special Enhanced Commercial District# 2, an establishment may #extend#, thereby exceeding the maximum #street wall# width for non-#residential# establishments set forth in paragraph (b) of Section 132-24, and may reduce the number of establishments required pursuant to 132-23 upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

- (a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and
- (b) the applicant has submitted an affidavit attesting to and including information that:
  - (1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and
  - (2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:
    - (i) physical restrictions created by the #building# design, including, but not limited to, the

location of existing structural walls and vertical circulation cores;

(ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or

(iii) regulatory limitations; and

(c) the applicant has demonstrated that at the time of application not more than one non-#residential# establishment, either existing, or with an approved certification or authorization pursuant to Section 132-50 that has not lapsed, has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

(1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph, (c); and

(2) provide at the time of application, pursuant to Section 132-50, evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph, (c).

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction in accordance with the plans for which such certification was granted, has not

been completed within one year from the effective date of such certification.

(6/28/12)

### **132-52**

#### **Authorization to Modify Maximum Street Wall Widths of Establishments**

In #Special Enhanced Commercial Districts# 2 and 3, the City Planning Commission may authorize a modification of the maximum #street wall# width of non-#residential# establishments, as set forth in paragraphs (a) and (b) of Section 132-24, provided the Commission finds that:

- (a) such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or
- (b) a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.