



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013-3394

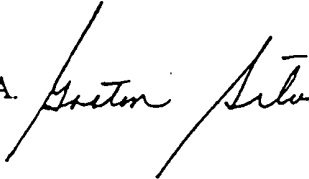
GASTON SILVA, R.A., Commissioner

(212) 312-8100

ISSUANCE # 509

EXECUTIVE ORDER 1/96

TO: Distribution

FROM: Gaston Silva, R.A. 
Commissioner

DATE: October 18, 1996

SUBJECT: General City Law §36
Mapped Street Access Requirement
Approval of Street and Access Plan
by either Board of Standards and Appeals
or City Planning Commission

REFERENCE: Supersedes Executive Order #1/92

General City Law §36(2) requires that a street or highway giving access to a structure has been duly placed on the official map or plan. Objections regarding access to a structure should be written so that either a plan approved by City Planning Commission under the following cited sections or a Board of Standards and Appeals resolution will satisfy the objections.

Where the proposed structure fronts on an unmapped street, a General City Law objection is written sending the applicant to the New York City Board of Standards and Appeals for a modification of the requirement upon a showing of adequate street width for emergency access and proper grading, etc.

The Zoning Resolution contains specific provisions authorizing the City Planning Commission to approve a street plan and system of vehicular access ("C.P.C. approved plan"). Such approvals are given only pursuant to the following sections of the Zoning Resolution:

- Section 74-743 Special provisions for bulk modifications (under 74-74 General Large Scale Development)
- Section 78-311 Authorization by City Planning Commission
78-312 Special permits by City Planning Commission
78-313 Findings
(under Special Regulations applying to Large Scale Residential Development)
- Section 105-90 Future Subdivision (under Special Natural Area District)
- Section 107-08 Future Subdivision (under Special South Richmond Development District)
- Section 119-04 Future Subdivision (Special Hillside Preservation District)
- Section 119-321(g) Modifications of use regulations (under Special Hillside Preservation District)

These C.P.C. approved plans shall contain language which ensures that the street plan complies with all applicable laws and regulations governing the construction of streets. Such approved plans satisfy the official plan requirement of General City Law §36(2). Upon issuance of City Planning Commission authorization under these sections, the General City Law objection may be removed.

For example, where a tract is located within the Special South Richmond Development District and a street and access plan approved by the City Planning Commission is required pursuant to ZR 105-50(e) or §107-02, such approved plan meets the requirements of General City Law §36(2) and the GCL objection should be removed upon submission of the City Planning Commission approved plan.

Therefore, the objection regarding access to a structure should be written so that the applicant is directed to obtain an authorization or special permit from CPC under one of the above cited sections. If the above Zoning Resolution sections are not applicable to the underlying premises, an objection should be issued directing the applicant to obtain a variance under GCL §36 from the Board of Standards and Appeals.

GS/CSS/atb

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