Article VII: Administration

Chapter 4 - Special Permits by the City Planning Commission

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Chapter 4
Special Permits by the City Planning Commission

74-00
POWERS OF THE CITY PLANNING COMMISSION

74-01
General Provisions

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the City Planning Commission may, after public notice and hearing, grant special permits in specific districts for the uses listed in this Chapter, whose location or control requires special consideration or major planning factors, or for specified modifications of the use or bulk regulations of this Resolution, provided that in each specific case the requirement for findings as set forth in this Chapter shall constitute a condition precedent to the grant of such special permit.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such special permit use or building or other structure permitted hereunder shall conform to and comply with all of the applicable regulations on use, bulk, supplementary use regulations, regulations applying along district boundaries, accessory signs, accessory off-street parking and off-street loading, and all other applicable provisions of this Resolution except as otherwise specifically provided in this Chapter.

In addition, the Commission, with the concurrence of the Board of Estimate, shall also have the power to permit the renewal of an exception or permit issued prior to December 15, 1961, in accordance with the provisions of Section 11-41 relating to Exceptions, Variances or Permits Previously Authorized.

In all Special Purpose Districts, the provisions of 23-934 (Special permit approval in Special Purpose Districts), with respect to special permits that modify use or bulk, shall apply. In the Special Midtown District, the powers of the Commission to permit
special permit #uses# are modified by the provisions of Section 81-13 (Special Permit Use Modifications), and the powers of the Commission to permit modification of the #bulk# regulations or grant bonus #floor area# for certain amenities are made inapplicable or modified in accordance with the provisions of Section 81-062 (Applicability of Chapter 4 of Article VII).

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:

- Fire stations
- Police stations
- Public transit, railroad or electric utility substations limited to sites of not less than 40,000 square feet and not more than 10 acres
- Sewage disposal plants.

(8/24/67)

74-02
Further Requirements

It shall be a further requirement that the decision or determination of the City Planning Commission shall set forth each required finding in each specific grant of a special permit #use#, or modification of the #use# or #bulk# regulations, and in each denial thereof which of the required findings has not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Commission in reaching its final decision, including the personal knowledge of or inspection by the members of the Commission.

In no case shall a special permit for a proposed sewage treatment plant or pumping station under Section 74-73 of this Chapter be denied without a prior public hearing by the Commission. Such public hearing must be held by the Commission and decision given within six months of the date of filing of the request for such special permit with the Commission.
(7/26/62)

74-20
REQUIREMENTS FOR APPLICATIONS

An application to the City Planning Commission for the grant of a special permit respecting any of the #uses# specified in this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

(8/16/79)

74-21
Conditions and Safeguards

The City Planning Commission may prescribe such conditions and safeguards to the grant of special permits as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

(12/15/61)

74-30
SPECIAL PERMIT USES

(3/22/16)

74-31
General Provisions for Special Permit Uses

The City Planning Commission shall have the power to permit in the districts indicated, the special permit #uses# set forth in this
Chapter and to prescribe appropriate conditions and safeguards thereon, provided that in each specific case:

(a) The Commission shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use#, and shall find that the hazards or disadvantages to the community at large through the location of such #use# at the particular site are outweighed by the advantages to be derived by the community from the grant of such special permit #use#.

The Commission shall in each case determine that the adverse effects, if any, on the privacy, quiet, light and air in the neighborhood of such #use# will be minimized by appropriate conditions governing location of the site, design and method of operation.

(b) In all cases, the Commission shall deny a special permit #use# whenever such #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit #use#.

(c) Where, under the applicable findings, the Commission is required to determine whether the special permit #use# is appropriately located in relation to the #street# system, the Commission shall make such determination on the basis of the Master Plan of Arterial Highways and Major Streets. Whenever the Commission is required to make a finding on the location of a proposed special permit #use# in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Commission shall thereupon establish the appropriate classification of such #streets#.

(d) All applications relating to Sections 74-41 to 74-70, inclusive, and Section 74-80 shall be referred by the Commission to the Department of Traffic for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location, and when so required in the specific Section, the Commission shall refer the application to a designated agency for a report on the issue in question. If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such
agency with respect to the issue referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

(e) The Commission may authorize any special permit #use# for such term of years as it deems appropriate.

(f) The Commission may permit the #enlargement# or #extension# of any existing #use# which, if new, would be permitted by special permit in the specified districts under the provisions of Section 74-01 (General Provisions) and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Commission shall make all of the required findings applicable to the special permit #use#, except that:

(1) in the case of #public parking garages# or #public parking lots#, the Commission may waive all such applicable required findings set forth in Section 74-51 or 74-52, except that the capacity of any such garage or lot in a C1 District shall not exceed 100 spaces; and

(2) in the case of electric utility substations or public transit or railroad electric substations, the Commission may waive all such required findings set forth in Section 74-61, except that the requirements with respect to site size shall not be waived.

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the degree of #non-compliance# with the applicable #bulk# regulations.

(3/22/16)

74-32
Additional Considerations for Special Permit Use and Bulk Modifications

Where a special permit application would allow a significant increase in #residential floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the
Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed development, enlargement or conversion, the Commission may modify the requirements of such paragraph (d).

(12/21/05)

74-40
USE PERMITS

(12/10/13)

74-41
Arenas, Auditoriums, Stadiums or Trade Expositions

C4 C6 C7 C8 M1 M2 M3

(a) The City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:

(1) that the principal vehicular access for such use is not located on a local street but is located on an arterial highway, a major street or a secondary street within one-quarter mile of an arterial highway or major street;

(2) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;

(3) that such use is not located within 200 feet of a Residence District;

(4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;

(5) that vehicular entrances and exits for such use are provided separately and are located not less than 100 feet apart; and

(6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such use.
(b) In Community District 7 in the Borough of the Bronx, the Commission may permit an indoor arena with a maximum seating capacity of 6,000 within 200 feet of a Residence District and, in conjunction with such arena, permit modifications of the provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-655 (Height of signs in all other Commercial Districts), and 36-62 (Required Accessory Off-street Loading Berths), provided that:

1. the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;

2. open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;

3. the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby residences;

4. where Sections 32-64 and 32-655 are modified, a signage plan has been submitted showing the location, size, height and illumination of all signs on the zoning lot, and the Commission finds that all such signs, and any illumination from or directed upon such signs, are located and arranged so as to minimize any negative effects from the arena use on nearby residences; and

5. where Section 36-62 is modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the zoning lot, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena use and has received assurances that the arena operator will implement such plan in accordance with its terms.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs, requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open uses or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium or stadium, including accessory directional or building identification signs located therein. In addition, within Pennsylvania Station Subarea B4 of the Special Hudson Yards District, design changes to existing plazas located within such
pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Section 37-70, inclusive, shall not apply to such plazas.

(2/2/11)

74-42
Drive-in Theaters

In C7 or C8 Districts or any Manufacturing District#, the City Planning Commission may permit drive-in theaters, limited to a maximum capacity of 500 automobiles, provided that the following findings are made:

(a) that the principal vehicular access for such use# is not located on a local street# or an arterial highway but is located on a major or secondary street# within one-quarter mile of an arterial highway;

(b) that such use# is so located as to draw a minimum of vehicular traffic to and through local streets# in nearby residential areas;

(c) that such use# is not located within 200 feet of a Residence District#;

(d) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion; and

(e) that vehicular entrances and exits for such use# are provided separately and are located not less than 100 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

(2/2/11)

74-43
Racetracks

In C8 Districts or any Manufacturing District#, the City Planning
Commission may permit racetracks, provided that the following findings are made:

(a) that the principal vehicular access for such use is not located on a local street but is located either on an arterial highway, a major street, or a secondary street within one-quarter mile of an arterial highway or major street;

(b) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;

(c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;

(d) that vehicular entrances and exits for such use are provided separately and are located not less than 100 feet apart; and

(e) that, in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

In addition, the Commission shall require the provision of adequate accessory off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such use, and shall determine the required spaces in accordance with the requirements established in this Resolution with respect to other major traffic generating uses.

(2/2/11)

74-44
Children's Amusement Parks

In C8 or M1 Districts, the City Planning Commission may permit children's amusement parks with an area of at least 75,000 square feet, but not more than 10 acres, provided that the following findings are made:

(a) that such use is so located as not to impair the essential
character or the future use or development of the surrounding area;

(b) that the principal vehicular access for such use is not located on a local street or on an arterial highway, but is located on a major or secondary street within one-quarter mile of an arterial highway or a major street;

(c) that such use will not produce traffic congestion or other adverse effects which interfere with the appropriate use of land in the district or in any adjacent district, and that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;

(d) that such use is not located within 400 feet of a Residence District; and

(e) that vehicular entrances and exits for such use are provided separately and are located not less than 50 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

(2/2/11)

74-45
Swimming Pool Clubs or Certain Non-commercial Clubs

In all Residence Districts, the City Planning Commission may permit a non-commercial outdoor swimming pool club, or any non-commercial club with an outdoor swimming pool located less than 500 feet from any lot line, provided that the following findings are made:

(a) that such use is so located as not to impair the essential character or future use or development of the nearby residential neighborhood;

(b) that such use is so located as to draw a minimum of vehicular traffic to and through local streets;

(c) that such use has adequate reservoir space at the vehicular entrance to prevent the congestion of automobiles on the streets;
(d) that in R1, R2, R3 or R4 Districts, the pool or any accessory facilities affixed to the land are not located closer than 100 feet or, in the case of an accessory outdoor tennis court, such tennis court shall not be closer than 20 feet, to any side or rear lot line coincident with a side or rear lot line of an adjoining zoning lot in a Residence District, and not located closer than 50 feet to any street line, and that any planned temporary enclosure such as an air-supported structure be indicated on the plans submitted with this application, and in no event shall such a structure be located closer than 50 feet from any street or lot line, if such a structure is planned subsequent to the approval of the special permit, then an amended application subject to the same approvals of this Section shall be submitted; and

(e) that for every 200 square feet of lot area used for the pool and its accessory facilities, one accessory off-street parking space is provided.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or the hours of operation, or requirements for shielding of floodlights, screening or surfacing of all access roads or driveways.

(1/8/97)

74-46
Indoor Interactive Entertainment Facilities

In C4, C6, C7, C8 Districts and M1 Districts, except in M1-1, M1-5A, M1-5B Districts and M1 Districts with a suffix "D," the City Planning Commission may permit, for a term not to exceed five years, indoor interactive entertainment facilities with eating and drinking, consisting of mechanical, electronic or computer-supported games subject to the following conditions:

(a) there shall be a minimum of 1,000 square feet of floor area per game. This requirement shall not apply within the Theater Subdistrict of the Special Midtown District;

(b) the entrance to such use shall be a minimum of 200 feet from the nearest Residence District boundary;

(c) in C4 and C6 Districts, a minimum of four square feet of waiting area within the zoning lot shall be provided for
each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms;

(d) parking shall be provided in accordance with the parking regulations for Use Group 12A (Parking Category D); and

(e) the application is made jointly by the owner of the building and the operators of such indoor interactive entertainment facility.

In addition to the above conditions, the Commission shall find that:

1. such use will not impair the character or the future use or development of the surrounding area;

2. there is a reasonable plan to prevent the gathering of crowds and the formation of lines on the street;

3. such use will not cause undue vehicular or pedestrian congestion in local streets; and

4. such use will not cause the sound level in any affected conforming residential use or joint living-work quarters for artists to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The Commission shall prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including, but not limited to: location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of mechanical amplification, shielding of flood lights, adequate screening, curb cuts or parking.

(7/26/01)

74-47

Amusement Arcades

In C6 Districts only, the City Planning Commission may permit amusement arcades to be located within department stores of a minimum 150,000 square feet of floor area, railroad terminal buildings other than Grand Central Station, bus terminal buildings or office buildings of a minimum 500,000 square feet of floor area. Such amusement arcades shall not occupy more than
one location in one building and shall not occupy more than 4,000 square feet of area and the arcade shall be located at least 500 feet from any Residence District or any C1 or C2 District, or for zoning lots located wholly or partially within the Fulton Mall Subdistrict of the Special Downtown Brooklyn District, such amusement arcade may be separated from any Residence District or any C1 or C2 District by a street that has a width greater than 110 feet and such amusement arcade shall be located below street level. An application for an amusement arcade pursuant to this Section shall contain plans of the location and arrangement of the proposed use and duplicate copies of the application filed with the Department of Consumer Affairs for an arcade license. Such amusement arcades may be permitted for renewable terms, subject to annual certification as to compliance with the conditions of this permit, provided the Commission finds that:

(a) the application for such special permit is a joint application made by the owner of the building and the operator of the proposed amusement arcade;

(b) such amusement arcade will not have a deleterious effect on the other uses located within the building and the surrounding area; and

(c) the use is so located within the building that no entrance nor any sign of the amusement arcade fronts upon or faces a street.

No special permit shall be issued pursuant to this Section unless the Commission has received a report from the Department of Consumer Affairs concerning the applicant, including any prior experience with the said Department and recommendations as to the operation of the arcade so as to protect the consumer.

This permit shall become effective upon the issuance of an appropriate license from the Department of Consumer Affairs, whose requirements concerning the location, number and arrangement of machines, hours of operation and requirements for supervision or security shall be incorporated within the special permit and govern those aspects of the special permit.

The Commission may renew the special permit for subsequent terms provided the Commission finds that the facts upon which the permit was granted have not substantially changed. With respect to any special permit or subsequent renewals under this Section, the provisions of paragraph (d) of Section 74-31 (General Provisions) shall not apply.

The Commission shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of
operation of the permitted use has been altered from that authorized. The Commission and the Department of Consumer Affairs shall notify each other of any permit or license revocation hereunder.

Revocation of a special permit or a Department of Consumer Affairs license shall cause a revocation of the related license or special permit respectively. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(5/5/04)

74-48
Scientific Research and Development Facility

In C6 Districts, the City Planning Commission may permit a scientific research and development facility containing laboratories for medical, biotechnological, chemical or genetic research, including space for production, storage and distribution of scientific products generated through research and may modify height and setback regulations for the facility. Such facility shall conform to the performance standards applicable to M1 Districts and occupy a zoning lot that either contains a minimum lot area of 40,000 square feet or comprises an entire block. No residential use is to be located anywhere on a zoning lot containing such a facility.

As a condition for granting a special permit, the Commission shall find that the scientific research and development facility:

(a) will not unduly affect the essential character or impair the future use and development of the surrounding area;

(b) will be located so as to draw a minimum of vehicular traffic to and through local streets;

(c) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and

(d) that the modification of such height and setback regulations will not unduly obstruct the access of light and air to adjoining properties or public streets.

To minimize traffic congestion in the area, the Commission shall require the provision of off-street loading berths conforming to the requirements set forth in Section 36-62 (Required Accessory
Off-street Loading Berths) for commercial uses.

The Commission may also require the provision of accessory off-street parking facilities to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such use. The size and location of such parking and loading facilities shall comply with the applicable provisions of Section 36-00.

All applications for the grant of a special permit pursuant to this Section shall be referred to the Commissioner of Health of the City of New York or its successor for a report and recommendations on matters relating to health, safety and general welfare of the public with regard to the proposed facility. If the report is received within 45 days from the date of referral, the Commission shall, in its determination, give due consideration to the report and its recommendations. If such agency does not report within 45 days, the Commission may make a final determination without reference thereto.

In order to protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.

(2/2/11)

74-49
Residential Use in C4-1 Districts in Staten Island

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a block and in other C4-1 Districts for zoning lots that had a lot area greater than 20,000 square feet on December 21, 2005, or on any subsequent date, the City Planning Commission may permit residences, provided such residences comply with the bulk regulations for R5 Districts as set forth in Article II, Chapter 3, or Article III, Chapter 5, as applicable.

In order to grant such permit, the Commission shall find that such residences are part of a superior site plan, such residences are compatible with the character of the surrounding area and that the streets providing access to such residences are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any residences permitted under this Section on the character of the surrounding area.
74-50
OFF-STREET PARKING ESTABLISHMENTS

74-51
Public Parking Garages or Public Parking Lots Outside High Density Central Areas

In C1 Districts

In C1-1, C1-2, C1-3 or C1-4 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less;

(c) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(d) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights or for setback of any roof parking area from #lot lines#.

(5/8/13)

74-512
In other Districts

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use
or development of adjacent areas; and

(f) that, where any floor space is exempted from the definition of 
floor area#, such additional floor space is needed in order 
to prevent excessive on-street parking demand and relieve 
traffic congestion.

The Commission may prescribe appropriate conditions and safeguards 
to minimize adverse effects on the character of the surrounding 
area, including limitations on #signs# or requirements for 
shielding of floodlights, for locations of entrances and exits, or 
for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the 
regulations set forth in Article I, Chapter 3, shall apply, except 
as provided in Section 13-06 (Previously Filed or Approved Special 
Permits or Authorizations).

(2/2/11)

74-513
In C7 Districts

In C7 Districts, the City Planning Commission may permit #public 
parking garages# or #public parking lots# of any capacity, provided 
that the applicable regulations set forth in Sections 36-53 (Width 
of Curb Cuts and Location of Access to the Street), 36-55 
(Surfacing) and 36-56 (Screening) are met. The Commission may 
permit some of such spaces to be located on the roof of such 
#public parking garage#, or may permit floor space on one or more 
#stories# and up to a height of 23 feet above #curb level#, to be 
exempted from the definition of #floor area# as set forth in 
Section 12-10 (DEFINITIONS). As a condition of permitting such 
#use#, the Commission shall make the following findings:

(a) that the principal vehicular access for such #use# is located 
on an arterial highway, or major #street#, or a secondary 
#street# within one-quarter mile of an arterial highway or 
major #street#;

(b) that such #use# is so located as to draw a minimum of 
vehicular traffic to and through local #streets# in nearby 
residential areas;

(c) that such #use# has adequate reservoir space at the vehicular 
entrances to accommodate either 10 automobiles or five percent 
of the total parking spaces provided by the #use#, whichever 
amount is greater, but in no event shall such reservoir space
be required for more than 50 automobiles;

(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

(5/8/13)

74-52
Parking Garages or Public Parking Lots in High Density Central Areas

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that such #use# will not be incompatible with, or adversely
affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

(b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

(e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

(3/22/16)

74-53
Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments
74-531
Additional parking spaces or roof parking for accessory group parking facilities

The City Planning Commission may permit group parking facilities accessory to uses in large-scale residential developments or large-scale community facility developments or large-scale general developments with more than the prescribed maximum number of parking spaces set forth in Sections 25-12, 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) or may permit modifications of the applicable provisions of Sections 25-11, 36-11 and 44-11 (General Provisions) so as to permit off-street parking spaces accessory to such uses to be located on the roof of a building.

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

(a) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas;

(b) that such use has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the use, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(c) that the streets providing access to such use will be adequate to handle the traffic generated thereby; and

(d) that where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from lot lines.

This Section shall not apply to the Manhattan Core where the regulations set forth in Article I, Chapter 3, shall apply, or to the Long Island City area, as defined in Section 16-02 (Definitions), where the regulations set forth in Article I, Chapter 6, shall apply.
Reduction or waiver of parking requirements for accessory group parking facilities

The City Planning Commission may, in conjunction with an application for a large-scale residential development or large-scale general development in the Transit Zone seeking a bulk modification, reduce or waive the number of required accessory residential off-street parking spaces, including any spaces previously required for an existing building on the zoning lot, provided the Commission finds that:

(a) where the applicant is seeking a reduction of parking spaces required by Section 25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the creation or preservation of income-restricted housing units in such large-scale residential development or large-scale general development. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;

(b) the anticipated rates of automobile ownership for residents of such large-scale residential development or large-scale general development are minimal and that such reduction or waiver is warranted;

(c) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area, including the availability of parking spaces for such uses; and

(d) such reduction of parking spaces will result in a better site plan.

In determining the amount of parking spaces to reduce or waive, the Commission may take into account current automobile ownership patterns for an existing building containing residences on the zoning lot, as applicable.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.
74-533
Reduction of parking spaces to facilitate affordable housing

In all districts in the #Transit Zone#, the City Planning Commission may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for #dwelling units# in a #development# or #enlargement# that includes at least 20 percent of all #dwelling units# as #income-restricted housing units# as defined in Section 12-10 (DEFINITIONS), provided the Commission finds that such waiver or reduction:

(a) will facilitate such #development# or #enlargement#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;

(b) will not cause traffic congestion; and

(c) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

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

(10/9/69)

74-54
Rear Yard Modifications

In C4, C6, C7, C8, M1, M2 or M3 Districts, for #public parking garages# with more than 150 spaces, the City Planning Commission may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, and Sections 43-26 to 43-31, inclusive, relative to #rear yard# regulations, provided the following findings are made:

(a) that the #public parking garage# will alleviate excessive on-street parking demand and thereby relieve traffic congestion in the area; and

(b) that because of site limitations such modification is necessary for the proper design and operation of the #public parking garage#.
The Commission shall consider the characteristics of surrounding development and may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of adjacent areas.

(2/2/11)

74-55
Off-street Parking Requirement for Youth-oriented or Senior Citizen-oriented Community Centers and Non-profit Neighborhood Settlement Houses

In C1-2 and C2-2 Districts, for youth-oriented or senior citizen-oriented community centers and non-profit neighborhood settlement houses, the City Planning Commission may permit modifications of the parking requirement of Section 36-21, provided the following findings are made:

(a) that, because of site limitations, such a reduction is necessary for the proper design and operation of such community centers and non-profit neighborhood settlement houses; and

(b) that available off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by such community facility.

(2/2/11)

74-56
Open Automobile Rental Establishments

In C2 Districts within a one-half mile radius of the main entrance of La Guardia Airport, located at the intersection of Grand Central Parkway and the 94th Street Bridge, the City Planning Commission may permit open automobile rental establishments on zoning lots having a frontage of at least 200 feet on Ditmars Boulevard, provided that the following findings are made:

(a) that such open use will not be incompatible with, or adversely affect the growth and development of, appropriate uses in the general area within which such open use is to be located;

(b) that such open use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic
and pedestrian flow;

(c) that such open #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(d) that such open #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the open #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(e) that the #streets# providing access to such open #use# will be adequate to handle the traffic generated thereby;

(f) that acoustic barriers be installed around the parking areas to minimize noise impacts on surrounding properties;

(g) that visual barriers be installed and properly maintained to screen the parking area from surrounding properties; and

(h) that #accessory# automotive repairs, maintenance and car washing are within an enclosed #building#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, requirements for shielding of floodlights and for locations of entrances and exits.

(12/15/61)

74-60
PUBLIC SERVICE OR TRANSPORTATION FACILITIES

(9/10/07)

74-61
Public Transit, Railroad or Electric Utility Substations

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:
(a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;

(c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(d) that such #use# will conform to the performance standards applicable to M1 Districts.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

(2/2/11)

74-62
Railroad Passenger Stations

(a) Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:

(1) that the principal access for such #use# is not located on a local #street#;

(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and

(3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.
In addition, the Commission shall require the provision of adequate accessory off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such use, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable bulk regulations, other than floor area ratio, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

(1) that the principal access for such railroad passenger station is not located on a local street;

(2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas;

(3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;

(4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;

(5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and

(6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad
passenger station, that:

(i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and

(ii) the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within publicly accessible open areas# of zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such publicly accessible open areas#, provided that the Commission finds that any encroachment within such publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to
co-locate a transportation facility entrance in the publicly accessible open area or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the publicly accessible open area. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.

(12/15/61)

74-63
Bus Stations

(2/2/11)

74-631
New bus stations with 10 or more berths

In C4, C6 or Manufacturing Districts, the City Planning Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

(a) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;

(b) that the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(c) that such #use# is not located within 200 feet of a #Residence District#, or is otherwise separated from nearby residential areas by topographical or physical conditions of the land;
(d) that vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart; and

(e) that access to such use is located on a street not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate accessory off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such use and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

(12/15/61)

74-632
New bus stations with fewer than 10 berths

In C1, C2, C4, C6, C7 or C8 Districts, or in any Manufacturing District, the City Planning Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

(a) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the City;

(b) that the principal access of such use is not located on a local street;

(c) that vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart; and

(d) that access to such use is located on a street not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.
In addition, the Commission shall require the provision of adequate off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such use, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.

(12/15/61)

74-633
Existing bus stations

All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such use has been authorized but the enlargement, extension, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in Sections 74-631 or 74-632.

(3/22/16)

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

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

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

(b) Requirements for application

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

(1) evaluate the benefits to the City;

(2) determine the appropriate amount of bonus #floor area#; and
(3) where applicable, assess the advantages and disadvantages of waiving or modifying #street wall# continuity requirements.

(c) Conditions

(1) Within the #Special Midtown District#, for a #development# or #enlargement# within the Theater Subdistrict on a #zoning lot# containing a theater designated as listed pursuant to Section 81-742 (Listed theaters), the Commission shall find that the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) have been met.

(2) Within the #Special Midtown District#, for a #development# or #enlargement# located on a #zoning lot# divided by a Theater Subdistrict Core boundary, as defined in Section 81-71 (General Provisions), the amount of #lot area# eligible for bonus #floor area# shall not exceed an amount equal to twice the #lot area# of that portion of the #zoning lot# located outside the Theater Subdistrict Core.

(d) Findings

(1) In determining the amount of #floor area# bonus, the City Planning Commission shall consider the degree to which:

(i) the general accessibility and security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and

(ii) significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the #street# level entryway into the #development# or #enlargement# will occur.

(2) In determining modifications to the requirements of Article III, Chapter 7 (Special Regulations), the Commission shall find that the provisions of a subway improvement cannot be accommodated without modification to these requirements.

(3) In determining modifications to the #street wall# continuity provisions of Section 81-43 in the #Special
Midtown District#, Section 91-31 (Street Wall Regulations) in the Special Lower Manhattan District# or Section 101-41 in the Special Downtown Brooklyn District#, the Commission shall find that the modification will permit the proposed design to provide for access of daylight and air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of street wall# and retail continuity.

(e) Procedural requirements

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

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

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

(f) Recordation and completion procedures

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

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

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

(12/15/61)

74-64
Trucking Terminals or Motor Freight Stations

In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations with sites in excess of 20,000 square feet, provided that the following findings are made:

(a) that the principal access for such #use# is not on a local #street# but is located within one-quarter mile of a secondary or major #street#;

(b) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart;

(c) that such #use# is not located within 200 feet of a #Residence District# boundary; and

(d) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening and surfacing all access roads or driveways.

(12/15/61)

74-65
Airports

In all #Manufacturing Districts#, the City Planning Commission may
permit the construction, reconstruction, or enlargement of airports and their facilities, in any case where the applicant has submitted a site plan showing the location and dimensions of all runways, in addition to all other information required in Section 74-20 (REQUIREMENTS FOR APPLICATIONS), provided that the following findings are made:

(a) that the airport is an appropriate use of the land and will not unduly interfere with surrounding land uses; and

(b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration, for the report of such agency as to whether such airport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region; and whether a new, reoriented, or lengthened runway will interfere with the flight pattern of any nearby airport.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the Commission may adopt a resolution to amend the zoning maps so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent Residence District shall be mapped as an R1, R2, or R3 District, and any adjacent Commercial or Manufacturing District shall be mapped as a C1, C2, C3, C4-1, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3 or M3 District.

The Commission shall require the provision of adequate accessory off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such use and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

(7/23/64)

74-66
Heliports

In C3, C4, C5, C6, C7 or C8 Districts or in any Manufacturing District, the City Planning Commission may permit the construction, reconstruction, or enlargement of heliports and
their facilities where the applicant has submitted a site plan showing the location of landing areas, in addition to all other information required in Section 74-20 (REQUIREMENTS FOR APPLICATIONS), provided that the following findings are made:

(a) that the heliport is an appropriate use of the land and will not unduly interfere with surrounding land uses; and

(b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the heliport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate accessory off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such use and shall determine the required spaces in accordance with the purposes established in the Resolution with respect to other major traffic-generating facilities.

(2/2/11)

74-67
Fire or Police Stations

In all Residence Districts, the City Planning Commission may permit fire or police stations, provided that the following findings are made:

(a) that such use will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as-of-right and from which it could serve the residential area, which make it necessary to locate such use within a Residence District; and

(b) in the case of fire stations, that such use is so located as to minimize the movement of fire apparatus through local streets in residential areas.
For any such #use#, the Commission may permit appropriate modifications of the applicable regulations of Article II, Chapter 3, provided that such #use# complies with all the applicable district #bulk# regulations for #community facility buildings# as set forth in Article II, Chapter 4.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements for landscaping.

(2/22/90)

74-68
Development Within or Over a Right-of-Way or Yards

(7/26/01)

74-681
Development within or over a railroad or transit right-of-way or yard

(a) In all districts, when a #development# or #enlargement#, including large-scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, the City Planning Commission may permit:

(1) that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the #lot area# for such #development# or #enlargement#;

(2) any portion of the right-of-way or yard where railroad or transit #use# has been permanently discontinued or terminated to be included in the #lot area# for such #development# or #enlargement#;

(3) notwithstanding the applicable district regulations, certain #uses# may be located beneath a portion of a permanent platform, including a platform street as follows:

(i) any #use accessory# to a primary #use# located on the #zoning lot#;
(ii) a public parking garage or public parking lot provided the findings set forth in Section 74-52 and hereby made applicable, are met for such garage or lot;

(iii) a railroad passenger station (pursuant to Section 74-62) or a railroad including right-of-way, freight terminal, yard or appurtenance, or a facility or service used or required in railroad operations;

(iv) a public transit yard, vehicle storage, warehouse, trucking terminal or motor freight station (without limitation on lot area per establishment).

(b) As a condition for granting a special permit, the Commission shall find that:

(1) the streets providing access to all uses pursuant to paragraph (a) of this Section are adequate to handle traffic resulting therefrom;

(2) the distribution of floor area and the number of dwelling units or rooming units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development or enlargement, including any portion of the development or enlargement located beyond the boundaries of such railroad or transit right-of-way or yard;

(3) all uses, developments or enlargements located on the zoning lot or below a platform do not adversely affect one another;

(4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation use, the site plan and structural design of the development do not preclude future use of, or improvements to, the right-of-way for such transportation use.

(c) For any development or enlargement located within or over railroad or transit right-of-way or yard:

(1) the application to be filed with the Commission for special permit approval pursuant to this Section shall include a site plan showing:

(i) the total lot area of that portion of a railroad
or transit right-of-way or yard to be covered by a platform; and/or

(ii) the total lot area of such right-of-way or yard that has been permanently discontinued or terminated;

(2) ownership of rights to develop in railroad or transit air space or within a railroad or transit right-of-way or yard where such use has been permanently discontinued or terminated, shall meet the requirements of the zoning lot definition in Section 12-10 (DEFINITIONS);

(3) where the railroad or transit right-of-way or yard is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for utilities, ventilation, drainage or other necessary purposes;

(4) the Commission may establish an appropriate level or levels instead of curb level as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, floor area, lot coverage, open space, yards, and minimum distance between buildings;

(5) the Commission may permit buildings to be connected by a bridge or tunnel, within a portion of a street, provided that the street volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation; however, in no event shall such a bridge or tunnel be considered as lot area or generate any floor area; and in the case of a bridge, the Commission shall find that such bridge will:

(i) provide adequate vertical clearance at all points measured from curb level to the soffit;

(ii) not rest upon columns or other supports that intrude upon the street;

(iii) provide illumination of at least five foot candles at the curb level for the street area beneath the bridge;

(iv) not unduly obstruct any significant scenic view; and

(v) provide adequate light and air to the street or
surrounding public spaces or streets.

In the case of a tunnel, the Commission may permit buildings to be connected by a tunnel under a street, provided the Commission finds that the tunnel is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the development and on adjoining streets.

(d) The Commission shall require the provision of adequate accessory off-street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any use permitted on the zoning lot, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require where the development or enlargement includes an active railroad or transit use, that the structural design of such development or enlargement make due allowance for changes within the layout of tracks or other structures within such railroad or transit air space or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use that portion of the railroad or transit air space or railroad or transit right-of-way or yard where the railroad or transit use has been permanently discontinued or terminated.

(10/7/08)

74-682 Developments over streets

In R9 or R10 Districts when the air space above a street or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining zoning lot owned by a non-profit institution pursuant to State-enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air space, the development or enlargement of buildings which are an expansion of an existing hospital,
college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and bulk regulations, except floor area ratio regulations, under the applicable district regulation, provided that the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining zoning lot, except that any building located in demapped air space shall utilize only unused floor area from the portion of the adjoining zoning lot not within the demapped air space.

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

(a) for development or enlargements in such demapped air space and for modification of bulk regulations, that the location and distribution of new bulk shall result in a good site plan in relation to the existing buildings on-site and in the area; and

(b) for modification of off-street loading requirements, when such non-profit institution includes more than one building on two or more zoning lots, the Commission may determine the required number of loading berths as if such non-profit institution were located on a single zoning lot, and may permit such loading berths to be located anywhere within such institution without regard for zoning lot lines, provided that such loading berths shall be:

1. adequate to serve the requirements of the institution;
2. accessible to all the uses in such institution without the need to cross any street at grade; and
3. located so as not to adversely affect the movement of pedestrians or vehicles on the streets within or surrounding such institution.

The curb level of a zoning lot of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such street. However, the Commission may establish an appropriate level or levels instead of curb level as the reference plane for the applicable regulations relating to open space, yards, level of yards, equivalent rear yards, rear yard setback, minimum distance between buildings, and the front height and setback.

The Commission may impose additional conditions and safeguards,
consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

(2/2/11)

74-69
Seaplane Bases

In all districts, the City Planning Commission may permit seaplane bases provided that the following findings are made:

(a) that such #use# and the take-off and landing operations it serves are so located as not to impair the essential character or future #use# or #development# of the surrounding area; and

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the seaplane base is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution.

(12/19/17)

74-70
NON-PROFIT HOSPITAL STAFF DWELLINGS

The City Planning Commission may permit #non-profit hospital staff dwellings# in accordance with the conditions of paragraph (a) of this Section, provided that the findings of paragraph (b) are met.

(a) The Commission may permit:
(1) in all #Residence Districts#, or in C1, C2, C3, C4, C5, C6 or C7 Districts, #non-profit hospital staff dwellings# located on a #zoning lot#, no portion of which is located more than 1,500 feet from the non-profit or voluntary hospital and related facilities; or

(2) in C4-2 Districts without a letter suffix, in Community District 11 in the Borough of the Bronx, #non-profit hospital staff dwellings# on #zoning lots# located not more than 1,500 feet from the non-profit or voluntary hospital and related facilities.

(b) To permit such #non-profit hospital staff dwellings#, the Commission shall find:

(1) that the #bulk# of such #non-profit hospital staff dwelling# and the density of population housed on the site will not impair the essential character or the future use or development of the surrounding area; and

(2) that the number of #accessory# off-street parking spaces provided for such #use# will be sufficient to prevent undue congestion of #streets# by such #use#.

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

(10/21/76)

74-71
Landmark Preservation

(2/2/11)

74-711
Landmark preservation in all districts

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:
(a) The following conditions are met:

(1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject building or buildings, and that such use or bulk modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;

(2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such bulk modifications relate harmoniously to the subject landmark building or buildings in the Historic District, as applicable; and

(3) the maximum number of dwelling units shall be as set forth in Section 15-111 (Number of permitted dwelling units).

(b) In order to grant a special permit, the City Planning Commission shall find that:

(1) such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air; and

(2) such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

The Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the development and buildings on the zoning lot.

(2/5/16)

74-712
Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:
(a) In M1-5A and M1-5B Districts, on a zoning lot that, as of December 15, 2003, is vacant, is land with minor improvements, or has not more than 40 percent of the lot area occupied by existing buildings, the Commission may modify use regulations to permit residential development and, below the floor level of the second story of any development, uses permitted under Section 32-15 (Use Group 6), provided:

(1) the use modifications shall meet the following conditions, that:

   (i) residential development complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;

   (ii) total floor area ratio on the zoning lot shall be limited to 5.0;

   (iii) the minimum floor area of each dwelling unit permitted by this Section shall be 1,200 square feet;

   (iv) all signs for residential or commercial uses permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and

   (v) eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and

(2) the Commission shall find that such use modifications:

   (i) have minimal adverse effects on the conforming uses in the surrounding area;

   (ii) are compatible with the character of the surrounding area; and

   (iii) for modifications that permit residential use, result in a development that is compatible with the scale of the surrounding area.

(b) In all districts, the Commission may modify bulk regulations, except floor area ratio regulations, for any development on a zoning lot that is vacant or is land with minor improvements, and in M1-5A and M1-5B Districts,
the Commission may make such modifications for #zoning lots# where not more than 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications:

(1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

(2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(12/17/81)

**74-72**

**Bulk Modification**

(8/8/18)

**74-721**

**Height and setback and yard regulations**

(a) In C4-7, C5-2, C5-3, C5-4, C6-1A, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts, the City Planning Commission may permit modification of the height and setback regulations, including tower coverage controls, for #developments# or #enlargements# located on a #zoning lot# having a minimum #lot area# of 40,000 square feet or occupying an entire #block#.

In C5-3, C6-6 and C6-7 Districts on such #zoning lots#, and in C6-4 Districts as set forth in paragraph (e) of this Section, the Commission also may modify #yard# and court regulations, and regulations governing the minimum required distance between #buildings# and/or the minimum required distance between #legally required windows# and walls or #lot lines#, provided that the Commission finds that such modifications:

(1) provide a better distribution of #bulk# on the #zoning lot#;
(2) result in a better relationship of the building to open areas, adjacent streets and surrounding development; and

(3) provide adequate light and air for buildings on the zoning lot and neither impair access to light and air to legally required windows in adjacent buildings nor adversely affect adjacent zoning lots by unduly restricting access to light and air to surrounding streets and properties.

As a condition of this special permit, if any open area extending along a side lot line is provided at any level, such open area shall be at least eight feet in width.

(b) In a C6-4 District, the Commission may modify the supplementary use regulations of Section 32-422 (Location of floors occupied by commercial uses) for developments or enlargements on zoning lots occupying an entire block with a base commercial floor area ratio of 10.0, provided the following conditions are met:

(1) that the non-residential uses are located in a portion of a mixed building that has separate access to the street with no openings of any kind to the residential portion of the building at any story; and

(2) that the non-residential uses are not located above the lowest story containing dwelling units unless the residential and non-residential portions are separated in accordance with the provisions of Section 23-82 (Building Walls Regulated by Minimum Spacing Requirements).

(c) In C5-3, C6-6 and C6-7 Districts, the Commission may modify height and setback and yard regulations, including tower coverage controls for developments or enlargements located on a zoning lot having an area less than 40,000 square feet, that occupies an entire block front on a wide street, subject to the following conditions:

(1) where buildings or portions thereof penetrate the established sky exposure plane, the aggregate area occupied by such buildings or portions thereof at such elevation shall not exceed:

   (i) 55 percent of the area of such zoning lot; or
(ii) an equivalent of 55 percent of the aggregate area of such zoning lot and any adjoining zoning lots with a common lot line for at least 90 feet with negative easements limiting height of existing and future developments on the adjoining zoning lots by recorded deed or other written instruments;

(2) that the development or enlargement includes on-site amenities, such as arcades, through block arcades or covered pedestrian spaces where the size and dimensions of such spaces are substantially greater than the required minimum standards, and includes skylights or other provisions for additional access of direct natural light so as to provide for an increased penetration of light and air therein at the street level of the development or enlargement, or a transit station improvement that results in a direct major connection to a subway station.

(3) In lieu of condition (c)(2), the development or enlargement may provide, in the same or an adjoining block of such development or enlargement, compensatory "off-site public open space." For the purposes of this paragraph, (c)(3), the term "adjoining block" shall mean a block that is contiguous to the block containing the development or enlargement but for its separation by a street or street intersection. The area of such off-site public open space shall be at least 4,000 square feet, or 15 percent of the lot area of a zoning lot containing the development or enlargement, whichever is more, and a width of at least 40 feet at any point.

Such public open areas shall have a southern exposure, and adjoin a public sidewalk and be developed pursuant to the provisions of Section 37-70 (PUBLIC PLAZAS). A plan for the development and maintenance of such off-site public space shall be approved by the Commission. The off-site public area shall be kept open to the general public in accordance with a time schedule specified by the Commission. In no event shall such off-site public open space be eligible for floor area or bonus computation in connection with this or any other development or enlargement.

For such developments or enlargements, the Commission may also modify the applicable regulations of Sections 32-51 (Limitations on Business Entrances, Show Windows or Signs) and 36-683 (Restrictions on location of berths
near Residence Districts) where adjoining frontage within a distance of 75 feet on the same side of the street is occupied by a community facility or ground floor commercial use, provided that such modification is part of an overall design for show windows, signage and entrances or off-street loading berths developed in conjunction with a public amenity such as a public plaza, through block arcade or covered pedestrian space, and will not alter the essential character of the immediate neighborhood.

In the case of existing buildings containing residences to remain temporarily on such zoning lot, the provisions of Sections 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS) may be modified provided that each and every one of the following conditions are met:

(i) that such existing buildings with unexpired leasehold interests are located upon such zoning lot;

(ii) that the portions of the zoning lot where such buildings are located and are to be demolished shall be redeveloped according to the approved site plan;

(iii) that no temporary or final certificate of occupancy shall be issued for that portion of floor area in the development or enlargement equal to twice the floor area in the temporary existing buildings until such buildings are vacated, demolished and their sites are redeveloped in accordance with the approved project plan, except that where the Commission shall have determined that the applicant for a special permit has made an offer to purchase the leasehold interests from the lessees at a fair market value of the remainder of the lease term, the Commission may decrease the amount of floor area for which no certificate of occupancy may be issued; and

(iv) that the development or enlargement conform with all the applicable laws relating to construction, operation and maintenance.

The owner of the zoning lot shall have prominently displayed thereon a sign stating the date by which
the #buildings# are to be demolished.

(4) As a further condition for the issuance of a permit under this paragraph (c), the owner of the #zoning lot# upon which #developments# or #enlargements# are to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel as to form, sufficient in amount as determined by the Commission to cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time set forth in the approved project plan, and ensure that all #floor area# which is to be vacant in the #development# shall remain unfinished and vacant.

The bonds or other securities shall be payable to the City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this paragraph, (c), that the #development# or #enlargement#: 

(i) shall result in improved circulation; and

(ii) would eliminate the undesirable pre-emption of ground level space by private #buildings or other structures#.

In making these findings, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this paragraph (c), shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of #development# or #enlargement# and other improvements on the #zoning lot#.

In addition to the conditions in paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this Section, the Commission shall find that the modification of height and setback will provide a better distribution of #bulk# on the #zoning lot# and will not adversely affect other adjacent #zoning lots# by unduly restricting access to light and air to surrounding public spaces, #streets# and properties.

(d) Notwithstanding any other provisions of the Zoning Resolution, where a #development# shares a #lot line# with a landmark
#building# site for an aggregate distance of at least 90 feet, or contains a historically significant #street# that has been demapped and an archeologically significant site, both of which have been identified by the Landmarks Preservation Commission, the Commission may permit modification of the height and setback and #yard# regulations regardless of the lot size, provided that the following findings are made:

(1) there is a harmonious architectural relationship between the landmark and the new structure, and such relationship is approved by the Landmarks Preservation Commission or, in the case of a #development# which contains a historically significant #street# that has been demapped and an archeologically significant site, there is a visual recognition of the location of the demapped #street# and of the archeologically significant site created by a design treatment that has been approved by both the Landmarks Preservation Commission and the City Planning Commission and, if such #development# is located within 200 feet of a historic district, there is a harmonious relationship between the proposed #development# and the historic district; and

(2) pedestrian amenities are contained in the new structure including, where appropriate, retail stores and substantial pedestrian space at the principal levels of circulation, such as wider sidewalks, #arcades#, #covered pedestrian space#, subsurface concourses and convenient subway connections.

(e) The City Planning Commission may also permit modification of all #bulk# regulations as set forth in paragraph (a) of this Section on #zoning lots# with a minimum #lot area# of 30,000 square feet, where such #zoning lot# is located in a C6-4 District in Manhattan Community District 3, has frontage on a #wide street# and existed on August 8, 2018.

(7/23/70)

74-73
Sewage Disposal Plants and Pumping Stations

(2/2/11)

74-731
Private sewage disposal plants
In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the City Planning Commission may permit sewage disposal plants provided that such #use# will serve the commercial or residential area within which, or adjacent to which, it is to be located; that in the case of a residential area, such area contains more than 50 #dwelling units#; and that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area or commercial area. In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Protection for a report.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.

(2/2/11)

74-732
Private sewage pumping stations and sewage disposal plants

In all #Residence Districts#, the City Planning Commission may permit sanitary or storm water sewage pumping stations and sewage disposal plants, provided that such use will serve a #development# which contains more than 15 #dwelling units#; and that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area. In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Resources for a report. The Commission may review the scope and impact of the proposal on public facilities and may, in addition, prescribe appropriate conditions or safeguards without dictating the architectural design of individual #buildings# in order to minimize adverse effects on the surrounding area.

As a condition of granting a special permit for a sewage pumping station or a sewage disposal plant, the Commission shall find:

(a) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities;

(b) in the case of sewage disposal plants serving a residential area, the related #development# is arranged in such a way as
best to serve active and passive recreation needs; protect and preserve scenic assets and natural features such as trees, streams and topographic features; and provide suitable variations in the siting of buildings to achieve these objectives; and

(c) in the case of sewage disposal plants, the proposed plant will be adequate for anticipated development in the area to be served; or

(d) in all cases, the proposal promotes and protects the public health, safety and general welfare.

(2/2/11)

74-733
Municipal sewage disposal plants

In all Residence Districts, Commercial Districts and M1 and M2 Districts, the City Planning Commission may permit municipal sewage disposal plants, provided that there are serious difficulties in locating it in a district where it is permitted as-of-right. The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such use with fences, buffer zones, barriers or other screening devices and landscaping.

As a condition of granting a special permit for a municipal sewage disposal plant, the Commission shall find:

(a) the proposed plant will be adequate for anticipated development in the area to be served; and

(b) that the proposal promotes and protects the public health, safety and general welfare.

(2/2/11)

74-734
Municipal sewage pumping stations

In all Residence Districts, the City Planning Commission may permit municipal sewage pumping stations provided that there are serious difficulties in locating it in a district where it is permitted as-of-right. The Commission may prescribe appropriate
conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices and landscaping.

As a condition of granting a special permit for a municipal sewage pumping station, the Commission shall find:

(a) that the proposal promotes and protects the public health, safety and general welfare; and

(b) the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities.

(2/2/11)

74-74
Large-scale General Development

For #large-scale general developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. The regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #large-scale general development# shall contain:

(a) any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #large-scale general development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (DEFINITIONS AND GENERAL PROVISIONS);

(b) any #zoning lot#, or portion thereof, that is part of a #large-scale residential development# or #large-scale community facility development#.

(8/13/15)
**74-741 Requirements for application**

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#.

However, for applications proceeding pursuant to the ownership provisions of paragraph (e) of Section 74-742, such site plan need only show the applicable portion of the #large-scale general development# as set forth in paragraph (e)(1) or (e)(2) of Section 74-742.

(8/13/15)

**74-742 Ownership**

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale
general development# is:

(a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or

(b) owned by the Federal government and is within Brooklyn Community District 2; or

(c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership; or

(d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Hallets Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

1) tracts of land in State or City ownership; or

2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the bulkhead line; or

(e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to:

1) such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and

2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#.
However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest.

(3/22/16)

74-743
Special provisions for bulk modification

(a) For a #large-scale general development#, the City Planning Commission may permit:

(1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:

(i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;

(ii) when a #large-scale general development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of #commercial floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted, except that for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, a transfer of #commercial floor area# from a C6 District to a C2 District may be permitted;

(2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;

(3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #large-scale general development# without regard to regulations applicable near #Residence
(4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#. Required #open space# for the purposes of this paragraph (a)(4) shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio#, pursuant to Section 23-142 for the applicable district;

(5) in an #Inclusionary Housing designated area# in a C4-6 or C5 District:

(i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or

(ii) #community facility floor area# located above the ground floor to be excluded from the calculation of the amount of #affordable housing# required pursuant to Section 23-95;

(6) modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:

(i) the required minimum distance as set forth in Section 23-86 is provided between the #legally required window# in the #development# or #enlargement# and a wall or #lot line# on an #abutting# property; and

(ii) the required minimum distance is provided by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk’s office in the county in which such tracts of land are located;

(7) modification of the definition of #outer court# in
Section 12-10 (DEFINITIONS) and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by building walls and is not otherwise a yard or an inner court, provided that:

(i) such modifications are permitted only for large-scale general developments, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7; and

(ii) the minimum distance between a legally required window facing onto such outer court and a building wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening;

(8) in an Inclusionary Housing designated area in a C4-7 District within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such Inclusionary Housing designated area, as set forth in a restrictive declaration:

(i) modification of the base and maximum floor area ratios specified in Section 23-154 (Inclusionary Housing), not to exceed the maximum floor area ratios permitted by the underlying district, based on a proportionality between affordable floor area, as defined in Section 23-911, and residential floor area in buildings containing multiple uses; and

(ii) modification of the requirements regarding distribution of affordable housing units, as defined in Section 23-911, specified in paragraph (b) of Section 23-96 (Requirements for Generating Sites or MIH Sites);

(9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any building, at any level, that contain permitted or required accessory off-street parking spaces, to be excluded from the calculation of lot coverage;

(10) for a large-scale general development located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided
the area between the street line and the street walls of the building and their prolongations is to be improved as a publicly accessible widened sidewalk;

(11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly community facility development, a floor area bonus not to exceed 20 percent of the maximum floor area ratio permitted by the underlying district regulations where, in connection with such development, an improvement to a public park located within the same Community District and within a one mile radius of the proposed development is provided in accordance with the provisions of this Section.

(i) A request for such bonus floor area shall be accompanied by:

(a) a site plan for a public park improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such public park improvement, to enable the City Planning Commission to determine the appropriate amount of bonus floor area to be granted to the development; and

(b) a letter from the Commissioner of Parks and Recreation stating:

(i) the selection of the public park for the public park improvement has been informed by community input in the form of consultation or an existing plan;

(ii) such public park improvement provides an appropriate amenity for the surrounding area; and

(iii) that, absent funding to be provided by the applicant, such public park improvement is unlikely to be made in the foreseeable future.

(ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

(a) any revisions to the site plan for the public
park# improvement or a statement that the site plan provided in the application is unchanged; and

(b) a letter that shall include:

(i) cost estimates for the #public park# improvement; and

(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement; or

(12) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Hallets Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large-scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

(i) such parcel shall be made part of such #zoning lot# upon approval of such #large-scale general development#, pursuant to the definition of #zoning lot# in Section 12-10, paragraph (d); and

(ii) the existing light industrial #buildings# on the separate parcel of land are demolished.

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

(1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #large-scale general development#, the neighborhood
(2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

(3) where a #zoning lot# of a #large-scale general development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;

(4) considering the size of the proposed #large-scale general development#, the #streets# providing access to such #large-scale general development# will be adequate to handle traffic resulting therefrom;

(5) when the Commission has determined that the #large-scale general development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;

(6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #large-scale general development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;

(7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary
Housing Program and those of Section 74-74 (Large-scale General Development) with respect to better site planning;

(8) where the Commission permits portions of buildings containing accessory parking spaces to be excluded from the calculation of lot coverage in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of lot coverage will result in a better site plan and a better relationship among buildings and open areas than would be possible without such exclusion and therefore will benefit the residents of the large-scale general development;

(9) where the Commission permits a floor area bonus for a public park improvement in accordance with the provisions of paragraph (a)(11) of this Section:

(i) the amount of such bonus floor area is appropriate in relation to the size and quality of the proposed public park improvement; and

(ii) such bonus floor area will not unduly increase the bulk of buildings on the zoning lot or unduly obstruct access of light and air to the detriment of the occupants or users of buildings on the block or nearby blocks or of people using the public streets.

Grant of a floor area bonus for a public park improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the public park improvement. The Commissioner of Buildings shall not issue a building permit for the large-scale development unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner;

(10) a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; and

(11) where the Commission permits floor area distribution
from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such #floor area# distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the #development# of affordable housing units within a #large-scale general development#.

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, where the Commission has approved a #large-scale general development# and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

In addition, within Manhattan Community District 2, where the Commission has approved a #large-scale general development# located partially within a C2-7 District, if any #open space# approved pursuant to paragraph (a)(4) of Section 74-743 is subsequently mapped as a park and transferred to City ownership, the #open space# requirement approved for such #large-scale general development# pursuant to paragraph (a)(4) of Section 74-743 shall be reduced by the area of such #public park#.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92 (General Provisions) is achieved in a #large-scale general development#. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2) of Section 23-154. Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and
to minimize adverse effects on the character of the surrounding area.

(10/11/12)

74-744
Modification of use regulations

(a) Use modifications

(1) Waterfront and related commercial uses

In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related uses listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:

(i) the uses are appropriate for the location and blend harmoniously with the rest of the large-scale general development; and

(ii) the streets providing access to such uses will be adequate to handle the traffic generated thereby.

(2) Automotive sales and service uses

For large-scale general developments, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7, Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

(i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a cellar level and below grade or established curb level, and the ground floor level of such establishment is used only for showrooms and sales;

(ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and

(iii) such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian
(3) Retail establishments

For a large-scale general development located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission may modify applicable district regulations to allow Use Groups 10, 11A and 12A, except for arenas or auditoriums, skating rinks, public auction rooms, trade expositions and stadiums, provided the Commission finds that:

(i) such uses will not impair the character of future uses or development of the surrounding area; and

(ii) the streets providing access to such uses will be adequate to handle the traffic generated thereby.

(b) Location of commercial uses

For any large-scale general development, the Commission may permit residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-42 (Location Within Buildings), provided the Commission shall find that:

(1) the commercial uses are located in a portion of the mixed building that has separate access to the outside with no opening of any kind to the residential portion of the building at any story;

(2) the commercial uses are not located directly over any story containing dwelling units; and

(3) the modifications shall not have any adverse effect on the uses located within the building.

(c) Modifications of sign regulations

(1) In all Commercial or Manufacturing Districts, the Commission may, for developments or enlargements subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-65 (Permitted Projection or Height of Signs), 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 42-53 (Surface Area and Illumination Provisions), 42-54 (Permitted Projection or Height of Signs), 42-55
(Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections 32-51 and 42-44 (Limitations on Business Entrances, Show Windows or Signs), provided the Commission finds that such modification will result in a better site plan.

(2) For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission, by authorization, may make the #sign# regulations of a C6-1 District applicable to those portions of such #large-scale general development# within a C2 District, and in addition, may modify the provisions of Section 32-68 (Permitted Signs on Residential or Mixed Buildings) to allow #signs accessory# to non-#residential uses# above the level of the finished floor of the third #story#, provided such #signs# do not exceed a height of 40 feet above #curb level#. In order to grant such authorizations, the Commission shall find that such modifications are consistent with the amount, type and location of #commercial uses# that the Commission finds appropriate within such #large-scale general development#.

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

(3/22/18)

74-745
Modifications of parking and loading regulations

For a #large-scale general development# the City Planning Commission may permit:

(a) Modification of location requirements

When a #large-scale general development# includes two or more #zoning lots#, the Commission may permit required or permitted #accessory# off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a #large-scale general development# without regard for #zoning lot lines#, provided that the Commission shall find:

(1) such off-street parking spaces, bicycle parking spaces and loading berths will be conveniently located in relation to the #use# to which such spaces or berths are #accessory#;
(2) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better site plan; and

(3) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single block, draw excessive traffic through local streets, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to be located without regard for zoning lot lines in accordance with the provisions of this Section, the number of spaces required for each building shall be kept available for such building throughout its life.

(b) Waiver or reduction of loading berth requirements

For zoning lots in a large-scale general development, located either within a Special Mixed Use District in Community District 2 in the Borough of The Bronx, or within a waterfront area pursuant to paragraph (b) of Section 62-132, in Community District 1 in the Borough of Brooklyn, where such zoning lots in the waterfront area contain one or more retail or service uses listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B, 14A or 16A, and where no single such establishment in the waterfront area exceeds 8,500 square feet in floor area, the Commission may waive or reduce the number of required loading berths, provided that:

(1) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby uses;

(2) an efficient goods receiving system will be implemented within the commercial establishment to expedite the movement of goods from the curb to areas within the establishment;

(3) such modification allows for a better relationship between the street walls of the building containing such establishment and the adjacent sidewalk and surrounding area; and

(4) such modification will not impair or adversely affect the development of the surrounding area.
(c) Reduction of parking requirements

For buildings on zoning lots in a large-scale general development, within R7-2 Districts in Community District 1 in the Borough of the Bronx, that contain an affordable independent residence for seniors, the Commission may waive or reduce the number of required accessory off-street parking spaces, including any spaces previously required for an existing building, provided that the Commission finds that:

(1) the anticipated automobile ownership patterns for residents of such affordable independent residence for seniors are minimal and that such waiver or reduction is warranted;

(2) such waiver or reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and

(3) such waiver or reduction of parking spaces will result in a better site plan with better quality open areas.

In determining the amount of parking spaces to waive or reduce, the Commission may take into account current automobile ownership patterns for an existing affordable independent residence for seniors on the zoning lot, as applicable.

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

(2/2/11)

74-746
Special provisions for development or enlargement over streets

Within a large-scale general development, when the volume above a street, or portion thereof, has been eliminated, discontinued and closed, the City Planning Commission may permit such volume to be considered part of an adjoining zoning lot and may allow, within such volume, a development or enlargement that is part of a building or buildings in the large-scale general development. In no event shall such volume contribute to the amount of lot area counted for the purposes of qualifying as a large-scale general development or generating any floor area.
(a) The following conditions must be met for the #development# or
enlargement# to be permitted in such volume:

(1) a satisfactory ventilation plan consistent with the
requirements of New York City's Departments of
Transportation and Environmental Protection is provided
for the #street# below the volume;

(2) an illumination of at least five foot candles at the
#curb level# is provided for the #street# below the
volume; and

(b) In order to grant the special permit, the Commission shall
find that the #development# or #enlargement# in such volume:

(1) is functionally necessary or will improve the internal
circulation within the #large-scale general development#,
or will improve vehicular or pedestrian circulation on
adjacent #streets#;

(2) will not adversely impact the continued use of the
#street#;

(3) will not have an adverse impact on the essential
character or future use or development of the adjacent
area; and

(4) will not unduly obstruct any significant scenic view.

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

(2/2/11)

74-747

Previously granted special permits

Any #development# or #enlargement# granted a special permit by the
City Planning Commission under previous Section 74-74 (Commercial
Development Extending into More than One Block) prior to February
22, 1990, may be started or continued pursuant to that special
permit.

The Commission may administratively, upon application, allow
modifications of the special permit granted under previous Section
74-74 (Commercial Development Extending into More than One Block)
In no event may the Commission grant a modification of a special permit approved prior to February 22, 1990, that would require additional bulk distribution among zoning lots or modification of the height and lot coverage limitations previously established. Any modifications exceeding the limitations set forth herein shall be subject to the provisions of the new Section 74-74 (Large-scale General Development).

No existing publicly accessible open area or other public amenity for which a floor area bonus or any increase in tower coverage above 40 percent of the lot area of the zoning lot has been received under previous Section 74-74 (Commercial Development Extending into More than One Block) prior to February 22, 1990, shall be eliminated or reduced in size except by special permit of the Commission pursuant to a finding that a proposed change will provide a greater public benefit in the light of the public amenity's purpose.

Any sign shown on a site plan incorporated as part of a special permit of the Commission under the provisions of Section 74-74 (Large-scale General Development) prior to February 27, 2001, may be erected and maintained in accordance with such special permit.

(9/26/18)

74-75
Educational Construction Fund Projects

(9/26/18)

74-751
Educational Construction Fund in certain districts

In R5, R6, R7, R8, R9 or R10 Districts, in C1 or C2 Districts mapped within such Residence Districts, or in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4, C5, C6 or C7 Districts, for combined school and residences including air rights over schools built on a zoning lot owned by the New York City Educational Construction Fund, the City Planning Commission may permit utilization of air rights; modify the requirements that open area be accessible to and usable by all persons occupying a dwelling unit or rooming unit on the zoning lot in order to qualify as open space; permit ownership, control of access and maintenance of portions of the open space to be vested in the New York City Educational Construction Fund or City agency successor in title;
permit modification of #yard# regulations and height and setback regulations; permit the distribution of #lot coverage# without regard for #zoning lot lines# for a #zoning lot# containing the Co-op Tech High School in Manhattan Community District 11; authorize the total #floor area#, #open space#, #dwelling units# or #rooming units# permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 percent in the number of #dwelling units# or #rooming units# permissible under the applicable district regulations. For the purposes of this Section, a #zoning lot# owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school listed in the following table.

<table>
<thead>
<tr>
<th>School</th>
<th>Community District</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.S. 151</td>
<td>CD 8, Manhattan</td>
</tr>
</tbody>
</table>

The total number of #dwelling units# or #rooming units# and #residential floor area# shall not exceed that permissible for a #residential building# on the same #zoning lot#.

The distribution of #bulk# on the #zoning lot# shall permit adequate access of light and air to the surrounding #streets# and properties.

As further conditions for such modifications:

(a) the #school# and the #residence# shall be #developed# as a unit in accordance with a plan approved by the Commission;

(b) at least 25 percent of the total #open space# required by the applicable district regulations, or such greater percentage as may be determined by the Commission to be the appropriate minimum percentage, shall be accessible exclusively to the occupants of such #residence# and under the direct control of its management;

(c) notwithstanding the provisions of Section 23-12 (Permitted Obstructions in Open Space), none of the required #open space# shall include driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths; and

(d) the Commission shall find that:

(1) a substantial portion of the #open space# which is not accessible exclusively to the occupants of such
#residence# will be accessible and usable by them on satisfactory terms part-time;

(2) playgrounds, if any, provided in conjunction with the #school# will be so designed and sited in relation to the #residence# as to minimize any adverse effects of noise; and

(3) all #open space# will be arranged in such a way as to minimize friction among those using #open space# of the #buildings or other structures# on the #zoning lot#.

The Commission shall give due consideration to the landscape design of the #open space# areas. The Commission shall also give due consideration to the relationship of the #development# to the #open space# needs of the surrounding area and may require the provision of a greater amount of total #open space# than the minimum amount required by the applicable district regulation where appropriate for the purpose of achieving the #open space# objectives of the #Residence District# regulations.

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

(9/26/18)

74-752
Educational Construction Fund projects in certain areas

In C6-9 Districts within the #Special Downtown Brooklyn District#, for #developments#, #enlargements# or #conversions# that include one or more #schools# on a tract of land owned by the New York City Educational Construction Fund, the City Planning Commission may permit the modifications set forth in paragraph (a) of this Section. For the purposes of this Section, a tract of land owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school.

(a) Modifications

The Commission may modify:

(1) applicable ground floor #use# regulations;

(2) in a #Mandatory Inclusionary Housing area#, the
affordable housing requirements of paragraph (d) of Section 23-154 (Inclusionary Housing);

(3) other bulk regulations, except that the maximum permitted floor area ratio may not be increased; and

(4) accessory off-street parking and loading berth requirements.

(b) Findings

To grant a special permit pursuant to this Section, the Commission shall find that:

(1) such modifications will facilitate the construction of one or more schools on the zoning lot;

(2) such ground floor use modifications will improve the layout and design of the school or schools, shall not have an adverse effect on the uses located within any portion of the zoning lot and will not impair the essential character of the surrounding area;

(3) such modifications to the affordable housing requirements in a Mandatory Inclusionary Housing area will facilitate significant public infrastructure or public facilities, including one or more schools, addressing needs that are not created by the proposed development, enlargement or conversion;

(4) such bulk modifications will result in a better site plan for the school or schools and will have minimal adverse effects on the surrounding area;

(5) such parking and loading modifications will improve the layout and design of the school and will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area.

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

(3/7/68)

74-76
Plazas
74-761
Elimination or reduction in size of bonused public amenities

In all districts, the City Planning Commission may, by special permit, allow the elimination or reduction in size of any existing publicly accessible open area#, arcade# or other public amenity, open or enclosed, for which a floor area# bonus has been utilized, provided that such reduction or elimination shall not create a floor area non-compliance# on the zoning lot#.

In granting such special permit, the Commission shall find that:

(a) such elimination or reduction is adequately compensated by the substitution of another public amenity or improvement on the zoning lot# that shall provide equal or increased public benefit; and

(b) for publicly accessible open areas# any remaining bonused open area will comply to the maximum extent feasible with the standards of public plazas# as set forth in Section 37-70.

However, the Commission may waive the provisions of paragraph (b) of this Section if it finds that such standards for public plazas# would compromise the design integrity of the publicly accessible open area# or would result in the loss of significant design elements or character that are integral components of the publicly accessible open area’s# design.

The Commission may prescribe additional conditions to enhance the relationship of public open areas, buildings# or other amenities on the zoning lot#, to the surrounding areas.

(8/12/69)

74-77
Artists’ Centers

In C6-1, C6-2, C6-3 or C6-4 Districts, for alterations or additions to existing buildings#, to be occupied as living and working quarters by artists# engaged in the visual or performing arts, with or without related community studio space, the City Planning Commission may permit residential# and non-residential uses# to be arranged within the building# without regard for the regulations set forth in Section 32-42 (Location Within Buildings).
For alterations of such buildings but not for additions, the Commission may permit modifications of the regulations set forth in Sections 23-81 to 23-87, inclusive, relating to Court Regulations and Minimum Distance between Windows or Walls or Lot Lines and may permit modification of the requirements set forth in Sections 23-40 to 23-47, inclusive, relating to rear and side yard regulations.

As a condition precedent to the grant of such special permit, the Commission shall make the following findings:

(a) that the location, design and construction of such building particularly suit it to use as an artists' center, and that full realization of these advantages requires modification of the regulations controlling arrangement of residential and non-residential uses within the building, or modification of the court regulations or the required distance between legally required windows and existing walls or lot lines, or modification of the rear and side yard requirements; and

(b) that an organization has been established for assuring that the dwelling units will be occupied by persons who qualify as artists.

For the purposes of this Section, non-commercial studio space for use in common by artists residing in the building may be classified as a community facility use.

(2/2/11)

74-78
Conversions of Non-residential Floor Area

(2/2/11)

74-781
Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts

In M1-5A and M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification of Section 42-14, paragraphs D.(1)(c), D.(1)(d), D.(2)(a) or D.(2)(b), provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a
mandated use at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for buildings under 3,600 square feet and one year for buildings over 3,600 square feet, prior to the date of the application for a special permit.

(2/2/11)

74-782
Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021, paragraph (e), or 15-21, and in M1-5A and M1-5B Districts, the Commission may permit modification of the requirements of Section 42-14, paragraph D.(1)(b), provided that the Commission finds that:

(a) the conversion will not harm the industrial sector of the City's economy;

(b) the applicant for the special permit or a predecessor in title, has made a good faith effort to rent such space to a mandated use at fair market rentals. Such effort shall have been actively pursued for a minimum of one year immediately preceding the application. A good faith effort shall include, but not be limited to, advertising in local and citywide press, listing the space with brokers doing business in the industrial real estate market and informing local and citywide industry groups. The applicant shall provide records showing the specific efforts to rent such space;

(c) there is sufficient alternative space to meet the needs of commercial and manufacturing uses in the area. The vacancy rate for industrial space in the area shall be one evidentiary element to prove the availability of alternative space;

(d) City, State and Federal economic development programs, to the extent applicable, had been explored and found not suitable;

(e) the commercial and industrial tenants were given the opportunity by the applicant, or predecessor in title, to remain in the spaces at fair market rentals, and the property owner or predecessor in title did not cause the vacating of the space for the additional conversion;
(f) the neighborhood in which the conversion is taking place will not be excessively burdened by increased residential activity; and

(g) all dwelling units or joint living-work quarters for artists permitted by this special permit meet the standards of the applicable district for such units or quarters.

If the Commission determines that floor area in the building, or portion thereof, was occupied as dwelling units or joint living-work quarters for artists on September 1, 1980, findings (b), (c), (d) and (e) of this Section shall not be required for the grant of a special permit for such floor area, provided that a complete application to prove occupancy as a dwelling unit or joint living-work quarters for artists is submitted to Commission by the owner of the building or the occupant of a dwelling unit or joint living-work quarters for artists in such buildings not later than June 21, 1983. In addition, the Commission must find that there is no substantial evidence that the landlord forced commercial or manufacturing tenants to vacate such floor area through harassment, non-renewal of leases or the charging of rents in excess of the then fair market value. Notwithstanding anything to the contrary above, the Commission shall not grant or deny a special permit pursuant to the provisions of this Section unless an application for such special permit has been submitted by the owner of the building.

The Commission shall request a report from the Office of Economic Development regarding information useful in making findings (a), (b), (c), (d) and (e) of this Section. Said report is to be provided within 30 days of the Commission's request.

In granting the special permit under this Section, the Commission shall require the preservation of the maximum amount of floor area for commercial or manufacturing uses that the Commission deems feasible.

(2/2/11)

74-79
Transfer of Development Rights From Landmark Sites

In all districts except R1, R2, R3, R4 or R5 Districts or C1 or C2 Districts mapped within such districts, for developments or enlargements, the City Planning Commission may permit development rights to be transferred to adjacent lots from lots occupied by landmark buildings or other structures, may permit the maximum
permitted floor area on such adjacent lot to be increased on the basis of such transfer of development rights, may permit, in the case of developments or enlargements containing residences, the minimum required open space or the density requirements to be reduced on the basis of such transfer of development rights, may permit variations in the front height and setback regulations and the regulations governing the size of required loading berths, and minor variations in public plaza, arcade and yard regulations, for the purpose of providing a harmonious architectural relationship between the development or enlargement and the landmark building or other structure.

Where a zoning lot occupied by a landmark building or other structure is located in a Residence District, the Commission may modify the applicable regulation of primary business entrances, show windows, signs and entrances and exits to accessory off-street loading berths on the "adjacent lot" in a Commercial District provided that such modifications will not adversely affect the harmonious relationship between the building on the "adjacent lot" and landmark building or other structure.

For the purposes of this Section, the term "adjacent lot" shall mean a lot that is contiguous to the lot occupied by the landmark building or other structure or one that is across a street and opposite the lot occupied by the landmark building or other structure, or, in the case of a corner lot, one that fronts on the same street intersection as the lot occupied by the landmark building or other structure. It shall also mean, in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, a lot contiguous or one that is across a street and opposite to another lot or lots that except for the intervention of streets or street intersections, form a series extending to the lot occupied by the landmark building or other structure. All such lots shall be in the same ownership (fee ownership or ownership as defined under zoning lot in Section 12-10).

A landmark building or other structure shall include any structure designated as a landmark by the Landmarks Preservation Commission and the Board of Estimate pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code, but shall not include those portions of zoning lots used for cemetery purposes, statues, monuments and bridges. No transfer of development rights is permitted pursuant to this Section from those portions of zoning lots used for cemetery purposes, any structures within historic districts, statues, monuments or bridges.

The grant of any special permit authorizing the transfer and use of such development rights shall be in accordance with all the regulations set forth in Sections 74-791 (Requirements for
Requirements for application

An application to the City Planning Commission for a grant of a special permit to allow a transfer of development rights and construction based thereon shall be made by the owners of the respective zoning lots and shall include: a site plan of the landmark lot and the adjacent lot, including plans for all developments or enlargements on the adjacent lot; a program for the continuing maintenance of the landmark; and such other information as may be required by the City Planning Commission. The application shall be accompanied by a report from the Landmarks Preservation Commission.

A separate application shall be filed for each independent "adjacent lot" to which development rights are being transferred under this Section.

Conditions and limitations

(a) For the purposes of this Section, except in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the basic maximum allowable floor area for a zoning lot occupied by a landmark shall be the maximum floor area allowed by the applicable district regulations on maximum floor area ratio or minimum required open space ratio and shall not include any additional floor area allowed for public plazas, arcades or any other form of bonus whether by right or special permit.

(b) The maximum amount of floor area that may be transferred from any zoning lot occupied by a landmark building shall be computed in the following manner:

(1) the maximum allowable floor area that could be built for buildings other than community facility buildings under existing district regulations on the same zoning lot if it were undeveloped;
(2) less the total floor area of all buildings on the landmark lot;

(3) the figure computed from paragraphs (a) and (b) of this Section, inclusive, shall be the maximum amount that may be transferred to any one or number of adjacent lots; and

(4) unutilized floor area may be transferred from one or any number of zoning lots occupied by a landmark building to one or any number of zoning lots adjacent to the landmark lot so as to increase the basic maximum allowable floor area that may be utilized on such adjacent zoning lots. For each such adjacent zoning lot, the increase in floor area allowed under the provisions of this Section shall in no event exceed the basic maximum floor area allowable on such adjacent zoning lot by more than 20 percent.

(c) When adjacent lots are located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts and are to be developed or enlarged with commercial buildings, the following conditions and limitations shall apply:

(1) the maximum amount of floor area that may be transferred from any zoning lot occupied by a landmark building shall be the maximum floor area allowed by Section 33-12 for commercial buildings on said landmark zoning lot, as if it were undeveloped, less the total floor area of all existing buildings on the landmark zoning lot;

(2) for each such adjacent zoning lot, the increase in floor area allowed by the transfer pursuant to this Section shall be over and above the maximum floor area allowed by the applicable district regulations; and

(3) the City Planning Commission may require, where appropriate, that the design of the development or enlargement include provisions for public amenities such as, but not limited to, open public spaces, subsurface pedestrian passageways leading to public transportation facilities, public plazas and arcades.

(d) In any and all districts, the transfer once completed shall irrevocably reduce the amount of floor area that can be utilized upon the lot occupied by a landmark by the amount of floor area transferred. In the event that the landmark’s designation is removed or if the landmark building is destroyed, or if for any reason the landmark building is enlarged or the landmark lot is redeveloped, the lot
occupied by a landmark can only be developed or enlarged up to the amount of permitted floor area as reduced by the transfer.

(e) As a condition of permitting such transfers of development rights, the Commission shall make the following findings:

(1) that the permitted transfer of floor area or variations in the front height and setback regulations will not unduly increase the bulk of any development or enlargement, density of population or intensity of use in any block to the detriment of the occupants of buildings on the block or nearby blocks, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole;

(2) that the program for continuing maintenance will result in the preservation of the landmark; and

(3) that in the case of landmark sites owned by the City, State or Federal Government, transfer of development rights shall be contingent upon provision by the applicant of a major improvement of the public pedestrian circulation or transportation system in the area.

The Commission shall give due consideration to the relationship between the landmark building and any buildings developed or enlarged on the adjacent lot regarding materials, design, scale and location of bulk.

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

(2/2/11)

74-793
Transfer instruments and notice of restrictions

The owners of the landmark lot and the adjacent lot shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further development or enlargement on the lot occupied by the landmark and the adjacent lot shall be filed by the owners of the respective lots in the place and county designated by law for the filing by the owners of
the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of floor area to be transferred, and shall specify, by lot and block numbers, the lots from which and the lots to which, such transfer is made.

(9/21/11)

74-80
TRANSIENT HOTELS

(9/21/11)

74-801
In R10H Districts

In R10H Districts, the City Planning Commission may permit transient hotels. Where a building in existence on December 15, 1961, is located on a zoning lot, a substantial portion of which is located in an R10H District and the remainder in a Commercial District, the Commission may also permit the conversion of specified floor area within such building from residential use to transient hotel use without regard to the floor area, supplementary use or density regulations otherwise applicable in the Commercial District. The Commission may also allow any subsequent conversion of such specified floor area to and from residential or transient hotel use to occur without further Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such use or bulk modifications, the Commission shall find that such modifications will not impair the essential character of the Residence District.

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

(12/20/18)
In M1-6D Districts

In M1-6D Districts, in areas that have not met the residential development goal set forth in paragraph (a) of Section 42-483 (Commercial uses), the City Planning Commission may permit developments or enlargements of transient hotels with greater than 100 sleeping units on zoning lots where residential use is permitted as-of-right, in accordance with Section 42-481 (Residential use), provided the Commission finds that:

(a) a sufficient development site is available in the area to meet the residential development goal; or

(b) a harmonious mix of residential and non-residential uses has been established in the area, and such transient hotel resulting from a development or enlargement is consistent with such character of the surrounding area.

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

(12/20/18)

Transient hotels within M1 Districts

In M1 Districts, pursuant to Section 42-111 (Special provisions for hotels in M1 Districts), transient hotels, as listed in Section 32-14 (Use Group 5), and motels, tourist cabins or boatels, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:

(a) the site plan incorporates elements that address any potential conflicts between the proposed use and adjacent uses, such as the location of the proposed access to the building and to service areas for refuse and laundry, and the building’s orientation and landscaping;

(b) the site plan demonstrates that the proposed street wall location and the design and landscaping of any area of the zoning lot between the street line and all street walls of the building and their prolongations will result in a site design that does not impair the character of the existing
streetscape;

(c) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and

(d) such #use# will not impair the essential character including, but not limited to, existing industrial businesses, or future use or development of the surrounding area.

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

(3/22/16)

74-81
Affordable Independent Residences for Seniors

The related #accessory# social and welfare facilities minimum requirement, as set forth in Section 12-10 (DEFINITIONS - Affordable Independent Residences for Seniors) may be reduced or waived in any #affordable independent residence for seniors# as to which the City Planning Commission makes the following findings:

(a) the proposed #affordable independent residence for seniors# is an addition to or #enlargement# or expansion of an existing #affordable independent residences for seniors# and is located on a #zoning lot# no portion of which is more than 1,500 feet from the existing #affordable independent residence for seniors#;

(b) both #affordable independent residences for seniors# will be owned, operated and maintained by the same sponsoring organization;

(c) the existing #affordable independent residence for seniors# contains related social and welfare facilities which will be used to adequately and conveniently service tenants of both the existing and proposed #affordable independent residence for seniors#

The Commission may prescribe appropriate conditions and safeguards to enhance the character and purposes of the project.

(2/2/11)
Through Block Arcades

In C4-7, C5-2, C5-3, C5-4, C5-5 and C6 Districts, the City Planning Commission may permit through block arcades to be located in commercial buildings or mixed buildings. For each square foot of through block arcade located in C4-7, C5-2, C5-4, C6-1, C6-2, C6-3, C6-4, C6-5 and C6-8 Districts, a bonus of three feet of floor area may be permitted and for each square foot of through block arcade located in C5-3, C5-5, C6-1A, C6-6, C6-7 and C6-9 Districts, a bonus of six feet of floor area may be permitted. Through block arcades may be located on a zoning lot in conjunction with a publicly accessible open area or an arcade but in no event shall the total floor area permitted on that zoning lot exceed the amount set forth in Section 33-12 (Maximum Floor Area Ratio) by more than 20 percent.

In the districts with an equivalent residential floor area ratio of 10, any floor area bonus earned by providing a through block arcade may be applied to increase the residential floor area of a mixed building provided the maximum floor area ratio for the residential portion does not exceed 12.0.

Each application for a through block arcade must meet the following criteria:

1. result in substantial improvement of pedestrian circulation; and

2. provide appropriate secondary commercial frontage along the through block arcade such as small shops and restaurants.

Bridges, mezzanines and balconies which add interest and function to the arcade without unduly obstructing its light and air may be incorporated in the proposal.

Lighting, paving, signs and plantings shall be specified in the application.

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

(7/22/71)

Court Houses
In all #Commercial Districts#, the City Planning Commission may permit modifications of the applicable #bulk# regulations so as to allow the same #bulk# regulations as would apply for a #community facility building# in the applicable #Commercial District# and may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Yard Regulations or Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations. The Commission shall find that because of site limitations such modifications are necessary for the proper design and operation of the court house.

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

(5/22/69)

74-84

Developments With Existing Buildings

(10/14/71)

74-841

Development in certain Commercial Districts

In C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the City Planning Commission may permit a #zoning lot# having a minimum area of 40,000 square feet or occupying an entire #block# to be #developed# to its maximum allowable #bulk# under applicable district regulations and any existing #buildings# to remain temporarily on that lot and may permit the #floor area# of any existing #buildings# to be excluded from computations determining such maximum allowable #floor area#, provided that each and every one of the following conditions are met:

(a) that existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;

(b) that all leases within the existing #buildings# must terminate within five years after the issuance of a special permit under this Section, and that no new leases or any lease renewals shall be entered into on any existing #buildings# or portion of such existing #buildings#;

(c) that the total #floor area# of all such existing #buildings#
on the #zoning lot# is not greater than 20 percent of the maximum allowable #floor area# for that #zoning lot#;

(d) that demolition of all such existing #buildings# must commence within five years after the issuance of the special permit under this Section;

(e) that the portions of the #zoning lot# where existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan; and

(f) that, until such time as demolition of all such existing #buildings# and completion of the approved site plans, #floor area# equal in amount to that which was located in such existing #buildings#, must be left unfinished and vacant in the new #development#; and a temporary certificate of occupancy, for the vacant space, shall remain in effect until all conditions in the special permit are satisfied.

The owner of the #zoning lot# shall submit a copy of all leases on any #building# or portion of any #building# on the #zoning lot# together with an opinion of counsel that the leases will terminate within five years.

All leases of such existing #buildings# or portions of #buildings# shall submit affidavits attesting to the expiration date of their leases together with an opinion of counsel that the lease will expire within five years.

The owner of the #zoning lot# shall have prominently displayed on the front of all existing #buildings# a sign stating the date that the #building# is to be demolished.

As a further condition for the issuance of a permit under this Section, the owner of the #zoning lot#, upon which new #development# is to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel sufficient in amount to:

(1) cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time;

(2) ensure that all #floor area# which is to be vacant in the new #development# shall remain unfinished and vacant; and

(3) ensure that no new leases or lease renewals are entered into on any portion of any of the existing #buildings#.

The bonds or other securities shall be payable to The City of New York if any of the above conditions are violated.
The Commission must find, with each grant for a special permit under this Section, that the development shall result in improved circulation and would eliminate the undesirable preemption of ground level space by private buildings or other structures. In making this finding, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing buildings and the schedule of new development and other improvements on the zoning lot.

(10/14/71)

74-842
Staged development of public or publicly assisted housing projects

In all Residence Districts except R9 and R10 Districts, in C1 or C2 Districts mapped within all such Residence Districts except R9 and R10 Districts, or in C1-6, C1-7 or C2-6 Districts, for a staged development of public, or publicly assisted housing projects, the City Planning Commission may permit any existing occupied building to remain temporarily on a zoning lot, and may authorize the applicable bulk regulations of the underlying districts to apply to the entire zoning lot without regard to the existence of such temporary building if the following conditions are met:

(a) that the entire zoning lot of such development is owned by the applicant;

(b) that the development plan for the project, showing compliance with all provisions of this Resolution, has been approved by the Board of Estimate, or will be subject to Board of Estimate approval in conjunction with the application for a special permit under this Section;

(c) that the number of existing dwelling units temporarily retained on a zoning lot are no more than the number of new dwelling units approved for construction on such zoning lot;

(d) that no final certificate of occupancy shall be issued by the Department of Buildings for the new construction until all pre-existing buildings except those buildings which are to be retained in accordance with the approved development plan
are vacated, demolished and their sites are redeveloped in accordance with the approved project plan;

(e) that the #use# of this staged #development# process, rather than a method of #development# requiring compliance with this Resolution, is necessary to expedite the construction of new housing and to alleviate the City's relocation housing problems; and

(f) that the final #development# complies with all the applicable regulations of the underlying districts of the Zoning Regulation.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the #block# and of the surrounding area resulting from the temporary non-conformity with the Resolution permitted pursuant to this Section.

(2/2/11)

74-843

Preservation of existing buildings within certain developments containing open areas

In R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-9 or C2-8 Districts, for any #development# on a #zoning lot# which was all within single ownership on or before May 31, 1973, which contained a portion of its #zoning lot# mapped within an R8 District on or before May 31, 1973, which is located within the boundaries of Community Board 8 in the Borough of Manhattan, and which preserves and maintains existing on-site #residential buildings#, the City Planning Commission may grant, upon application resulting from joint efforts of a developer and on-site tenants, and after Community Board 8 has reviewed the architectural plans, a #floor area# bonus for public open area and relocation housing as set forth in this Section, and modify height and setback, #yards#, #courts# and distance between #buildings# regulations. The provisions of this Section shall not apply in any special purpose district, unless permitted by such special purpose district.

As a condition for granting a special permit for such
The development, the Commission shall make the following findings:

(a) that the retention of existing residential buildings is essential to preserve the character of the neighborhood;

(b) that the existing residential buildings are suitable for rehabilitation;

(c) that no residential or community facility building existing prior to May 31, 1973, be demolished or residential tenants evicted, on a narrow street, if 50 percent or more of the floor area of such building is located beyond 125 feet from a street intersection;

(d) that the relocation practices followed by the developer on the entire zoning lot satisfy applicable governmental standards;

(e) that existing buildings or portions thereof contain dwelling units which will be available on a priority basis for occupancy by on-site tenants displaced by new construction or by rehabilitation after December 31, 1970, in accordance with an approved relocation, rehabilitation and continued maintenance program;

(f) that any outstanding eviction notices have been withdrawn;

(g) that on-site tenants have not been subject to harassment by intent or otherwise or where harassment has occurred, it has ceased as of the date of the application for the special permit hereunder;

(h) that the dwelling units that are reserved for such relocation housing shall comply with an approved rent schedule;

(i) that an agreement between the tenants and developers on the relocation plan has been reached which is satisfactory to two-thirds of the tenants on-site on the date of application for special permit hereunder;

(j) that the development provides a minimum of 30 percent of the lot area of the zoning lot as public open area at curb level. Where site conditions preclude open area at curb level, such open area shall not at any point be more than five feet above nor more than eight feet below curb level of the street providing primary access to such area. The public open area shall be preferably on the southerly side of the lot unobstructed from its lowest level to the sky except as set forth in this Section, and directly accessible to the public from an adjoining street. Access to such public open area
shall be clearly visible from the street. The said area shall contain lighting, landscaping, planting, pedestrian ways and sitting areas and be maintained in accordance with reasonable standards. Building columns or similar elements may be permitted but the aggregate area of such elements may not exceed two percent of the total public open area. Driveways, off-street parking spaces and loading berths and balconies are not permitted within the public open area:

(1) for a development within 600 feet of a public park or playground having a minimum area of one acre, the minimum dimension of the public open area shall be at least 30 feet; access to such public area shall be at least 25 feet wide at the street line and the clear width of the walkway for pedestrian traffic shall not be less than 20 feet. The public open area may include covered or arcaded areas, total area of which shall not exceed 20 percent of the required public open area. Such arcaded or covered areas shall have an average clear height of not less than 20 feet and a minimum clear height of 12 feet.

(2) for all other development pursuant to this Section, the minimum dimension of such public open area shall be 45 feet and have a minimum area of 4,500 square feet. The development shall also provide an arcade which abuts the street line along the short dimension of the block and extends along the full length of the building on such frontage. Such arcades and required setback areas which abut the street line along the short dimension of the block shall be included in meeting the 30 percent public open area requirements of this Section.

(k) that the finish of exterior walls of the existing building fronting on such public open area is compatible with the development and the public open area;

(l) that a roof area of development shall be landscaped for use by residential tenants and shall:

(1) be restricted to occupants of the residential portion and their guests for whom no admission or membership fees are charged;

(2) be directly accessible from a lobby or other public area served by the residential elevators;

(3) be landscaped, including trees or shrubbery, except where covered or developed with recreational facilities and seating areas; and
(4) contain not less than 2,500 square feet of continuous area open to the sky on a single level with a minimum dimension of not less than 40 feet.

(m) that the total development will result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets and surrounding developments;

(n) that the development will not have a negative environmental impact on the neighborhood or change the character of the neighborhood.

(o) that the basic floor area ratio for the zoning lot may be increased from 10.0 to 12.0 for complying with the provisions of this Section.

In determining the precise extent of the increase in the basic floor area ratio on a zoning lot from 10.0 to 12.0, the Commission shall, after consultation with Manhattan Community Board 8, balance the economic benefit received by the builder after deducting the cost of the following:

(1) the number of tenants relocated on and off site;

(2) the number of units and cost of on-site renovation; and

(3) the extent and period of years for which rent subsidies are provided over and above those required as relocation benefits under applicable governmental standards.

In no event shall a new building exceed 32 stories excluding the basement level.

No final certificate of occupancy shall be issued by the Department of Buildings for the new construction until the total development complies with the approved rehabilitation and relocation program.

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

(2/2/11)

74-844
Preservation of community facility uses within certain developments containing public open areas
For any development on a zoning lot a portion of which, exceeding 50 percent, is located in an R9 District, in a C1 or C2 District mapped within an R9 District or in a C1-8 or C2-7 District, and the remaining portion of which is located in an R8 District, and which provides a new community facility building for an institution existing on the zoning lot prior to the development and which includes an open area for public use, the City Planning Commission may allow the zoning district regulations applicable to the zoning lot including, but not limited to, bulk and parking to be changed as set forth in this Section and may modify yard, height and setback, density and distance between buildings regulations in accordance with the provisions of this Section.

As a condition for granting a special permit for such development, the Commission shall find that:

(a) the provision of the new community facility building will result in the reinforcement or preservation of an existing church or house of worship, community center, school, library, museum, college or university which is essential to the character of the neighborhood and that such community facility building will be used only as a community facility building;

(b) such community facility building is free-standing and independent of any new residential building and contains floor space of at least 10,000 square feet and shall be located entirely on the R8 portion of the zoning lot; the height of the community facility building shall not exceed the greater of:

\[(1) \text{ a height of 20 feet greater than that of the nearest existing building in the adjacent R8 District; or} \]
\[(2) \text{ 40 feet;} \]

(c) the arrangement has been made for continuing maintenance of the community facility building;

(d) the development provides a minimum of 25 percent of the lot area of the zoning lot as public open area at curb level. Where site conditions preclude open area at curb level, such open area shall at no point be more than three feet below curb level or six feet above curb level of the street providing primary access to such area. The public open area shall be unobstructed from its lowest level to the sky except as set forth in this Section, directly accessible to the public from an adjoining street and, if feasible, be located
on the southerly side of the #zoning lot#. Entrance to such public open area shall be clearly visible from the #street#. The said area shall be developed with lighting, landscaping including planting of shrubs and trees, pedestrian ways and seating areas in accordance with plans approved by the Commission and shall be maintained in accordance with a maintenance program approved by the Commission. #Building# columns or similar elements may be permitted, but the aggregate area of such elements may not exceed two percent of the total public area. Driveways, off-street parking spaces and loading berths are not permitted within the public open area.

A portion of the open area shall be developed as a park area concentrated in one location and having a minimum dimension of 45 feet and a minimum area of 4,500 square feet. The park area shall be accessible to the public from 9:00 a.m. to 9:00 p.m. each day from May 1 to September 30 and from 9:00 a.m. to 6:00 p.m. each day from October 1 to April 30, and such hours shall be posted on a #sign# that is plainly visible from the sidewalk adjoining the principal entrance to the park. In addition to the 4,500 square feet of park area, in meeting the 25 percent public open area requirements of this Section, the #development# may provide a non-bonusable #public plaza#, #arcade# or sidewalk continuation area; and

(e) any #bulk# modifications granted will result in satisfactory site planning and satisfactory urban design relationships of #buildings# within the #development# to adjacent #streets# and surrounding #developments#.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area. The #zoning lot# containing such #development# shall be subject to all the regulations applicable to a C1-9 District subject to the provisions of any special purpose district within which the #zoning lot# is located, except that the maximum permitted #floor area ratio# shall be 11.0. The #floor area# bonus provision for #public plazas# or #arcades# shall not apply. The #accessory# off-street parking requirements of Section 36-33 shall be 20 percent.

At any level at which a #building# within the #development# penetrates an established #sky exposure plane#, such #building# shall not, in the aggregate, occupy more than 45 percent of the #lot area# of the #zoning lot#.

Notwithstanding any other provision of the Zoning Resolution, the #community facility# portion of the #development# may be conveyed by deed, lease or otherwise to the institution operating the
#community facility building# and, for the purposes of this development#, such conveyance shall be deemed not to alter the single zoning lot# status of the zoning lot# containing the total development# authorized under this Section. In no event shall the floor area# of the total development#, including the community facility# portion, exceed a floor area ratio# of 11.0.

(9/17/70)

74-85
Special Height and Setback Regulations

(2/2/11)

74-851
Height and setback regulations for certain buildings containing residences

In R8, R9 and R10 Districts, and in C1-7, C1-8, C1-9, C2-7 and C2-8 Districts, the City Planning Commission may permit modifications of height and setback regulations for developments# or enlargements# containing residences#, provided the following findings are made:

(a) that the resulting site plan affords better placement of the buildings# on the zoning lot# with improved arrangement of open space# and improved access of light and air for the dwelling units#; and

(b) that the site is adjacent to or opposite a permanent space comprising an area of at least three acres such as a park, public place, waterfront, wharf property, wharves or docks, and that the resulting placement of the buildings# will not unduly obstruct access of light and air in the street# or on adjacent zoning lots#.

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

However, the provisions of this Section shall not apply to Quality Housing buildings#.

(2/2/11)
74-852
Height and setback regulations for zoning lots divided by district boundaries

For a #zoning lot# divided by a boundary between an R8 District, or a #Commercial District# permitting an equivalent #residential floor area ratio#, and an R10 District, or a #Commercial District# permitting an equivalent #residential floor area ratio#, the City Planning Commission may permit modifications of the height and setback regulations for that portion of a #development# which fronts on a #wide street# and is located in the R8 or equivalent District, provided it finds that such modification will not unduly obstruct access of light and air to surrounding #streets# and properties.

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

(2/2/11)

74-86
Accessory Outdoor Swimming Pools for Residences

The City Planning Commission may permit, as #accessory# to a #use# in Use Group 2 other than a #single-family# or #two-family residence#, an outdoor swimming pool to be located not less than 50 feet from any #lot line#, provided that such pool is so located as not to impair the essential character of the residential neighborhood.

The Commission may require that the pool be appropriately screened from other areas on the same or adjacent #zoning lots#. In special circumstances where the Commission finds that the design operates as a suitable buffer or the conditions of topography so warrant, the minimum distance of 50 feet may be reduced or waived.

The Commission shall in each case give due consideration to the effect of such location on the adjacent #residences# and the #street# and may impose appropriate conditions and safeguards.

(6/12/96)

74-87
Covered Pedestrian Space
In the districts indicated, the City Planning Commission may permit #floor area# bonuses for #covered pedestrian space# in accordance with the provisions of Sections 74-871 through 74-873, inclusive.

(2/2/11)

74-871
Floor area bonus for covered pedestrian space

For the #development# or #enlargement# of a #commercial#, #community facility# or #mixed building#, for each square foot of #covered pedestrian space# provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) may be increased as set forth in the following table:

<table>
<thead>
<tr>
<th>District</th>
<th>Basic (in square feet)</th>
<th>Maximum (in square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C5-3 C5-5 C6-6</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>C6-7 C6-9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C4-7 C5-2 C5-4</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>C6-4 C6-5 C6-8</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In no event shall the resulting #floor area ratio# exceed the amount set forth in Section 33-12 by more than 20 percent. Any #floor area# bonus earned by providing a #covered pedestrian space# may be applied to increase the #residential floor area# of a #mixed building#, provided the maximum #floor area ratio# for the #residential# portion does not exceed 12.0.

Any portion of the #covered pedestrian space# that is within 10 feet of a #street line# or #lot line# and that is extended along such #street line# or #lot line# on either side of an entrance to it from an adjoining #street#, #arcade#, #publicly accessible open area#, #court#, #yard# or other #covered pedestrian space#, may receive only that #floor area# bonus accorded to an #arcade#.

The basic #floor area# bonus may be increased by providing one or more of the following additional amenities:

(a) An escalator, providing pedestrian access from sidewalk level
to any floor level containing #uses# specified in paragraph (c) of Section 74-872 (Design requirements for covered pedestrian spaces). Such escalator may be either within or directly accessible from the #covered pedestrian space#. The basic #floor area# bonus may be increased by 1.5 square feet per square foot of #covered pedestrian space# for each floor level connected by such escalator. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such escalator shall not exceed the allowable maximum set forth in the table.

(b) Where the height over at least one-third of the #covered pedestrian space# in one location is increased by more than one #story# of the #building# above the required height, the basic #floor area# bonus for that portion may be increased by 1.5 square feet per square foot of such raised portion for each such #story#. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such additional height shall not exceed the allowable maximum set forth in the table.

(c) Where direct access from the #covered pedestrian space# to a subway station mezzanine or concourse is provided and such connection is major, necessary, and kept open to the general public for the same hours as the #covered pedestrian space# or as specified by the Commission, an additional bonus of two square feet of #floor area# per square foot of #covered pedestrian space# may be permitted over the amount specified in the table.

(2/2/11)

74-872
Design requirements for covered pedestrian spaces

In order to qualify for a #floor area# bonus, a #covered pedestrian space# shall be directly accessible to the public from the adjoining #street#, #arcade#, #through block arcade#, #publicly accessible open area#, #court#, #yard#, #pedestrian mall# or other #covered pedestrian space# which is a part of the public pedestrian circulation system, and shall:

(a) have an area of at least 3,000 square feet and a minimum width, at any point, of 20 feet. For spaces between 100 feet and 150 feet in length, the minimum width shall be 25 feet. For spaces longer than 150 feet, the average width shall be at least 30 feet;
(b) have a height of at least 30 feet;

(c) have appropriate uses permitted in the district, such as, but not limited to, small stores and cafes, occupying the maximum feasible frontage along those bounding walls of the covered pedestrian space which do not abut lot lines or street lines. At least 50 percent of such frontage shall be comprised of individual uses, each of which has a frontage not exceeding 25 feet, and the frontage of any other single use may not exceed 40 feet. In no event may banks, loan offices, insurance offices or similar office type uses occupy any portion of the frontage of the covered pedestrian space. Access to other uses within a building may be provided from the covered pedestrian space if such uses are not located at the same story as the pedestrian space;

(d) be adequately illuminated, utilizing natural daylight wherever possible; and

(e) be suitably maintained and kept open to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

Obstructions such as awnings, canopies, pedestrian bridges, escalators, stairs, balconies or other architectural elements above the floor level of the covered pedestrian space are prohibited unless it can be clearly demonstrated that they will enhance design or pedestrian circulation. In any event, horizontal projection of balconies into any covered pedestrian space shall not exceed five feet.

Planting, landscaping, ornamental fountains, statuary, outdoor furniture, kiosks, works of art, light wells and other features may be permitted in a portion of the pedestrian space, but not to the extent of impeding pedestrian movement.

Columns or similar elements may be permitted within a covered pedestrian space, but the aggregate area of such elements may not exceed two percent of the total pedestrian space. The clear span along the main path of pedestrian traffic shall not be less than the figure indicated for minimum dimensions of pedestrian space in paragraph (a) of this Section. However, when two or more pedestrian paths are provided, the minimum clear span widths of such paths may be reduced by five feet.

Where multiple access to the covered pedestrian space is provided from an arcade, the minimum clear spacing between columns at the face of the building may be reduced to 18 feet, provided the height of the arcade is not less than 30 feet.
A portion of the #covered pedestrian space# shall be public sitting areas with appropriate facilities such as cafes or other public seating arrangements.

Entrances to lobbies may be permitted along the boundary of a #covered pedestrian space#. The #floor area# of an entrance lobby shall not be considered as part of the #covered pedestrian space#. Where a #zoning lot# is bounded by more than one #street#, or by the combination of #streets#, #publicly accessible open areas# or other public rights-of-way, the #covered pedestrian space# will provide a connection between at least two such areas.

Where the space is heated or air-conditioned, the standards for heating, ventilating and air-conditioning shall be at least equal to that of the lobby.

For the purpose of ensuring prominent public attention to the #covered pedestrian space#, the openings at the face of the #building# for entrances to the #covered pedestrian space# shall be at least 20 feet wide, 30 feet high and unobstructed for a depth of 30 feet, except, where the #covered pedestrian space# is air-conditioned, the openings at the entrances may be partially enclosed. Such enclosure at the entrances shall be transparent in nature, commence at a height not less than eight feet above the floor level at the entrances, and be set back from the face of the #building# at least 12 feet. Air curtains are permitted but shall be located at a height not less than eight feet. Such entrances are permitted to be fully enclosed only for that portion of the year between October 15 and April 15, provided, however, that such space is readily accessible to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

When a #through block arcade# provides public access to a #covered pedestrian space#, the opening at the point shall be at least 30 feet wide and 30 feet high. The two openings at the face of the #building# to the #through block arcade# shall be at least 20 feet wide and 30 feet high for a depth of 30 feet and shall be unobstructed except for stairs, ramps and escalators. If such space is air-conditioned, only one opening at the face of the #building# need comply with the partial enclosure requirements of the preceding paragraph.

A #covered pedestrian space# located at 12 feet or more below the sidewalk level shall provide direct subway or below grade pedestrian concourse access. For such #covered pedestrian spaces#, the entrance openings at the sidewalk level may be less than 30 feet in height, but not less than 15 feet, provided the entrance opening is unenclosed for its full height and is extended along the face of the #building# for the entire width of the #covered pedestrian space#.
74-873
Findings for covered pedestrian spaces

As a condition for permitting such bonus #floor area#, the City Planning Commission shall find that:

(a) the proposed #covered pedestrian space# will have a useful role in meeting existing needs for sheltered space for the comfort and convenience of the general public;

(b) the proposed #covered pedestrian space# is located at or close to the principal level of pedestrian circulation in adjacent areas, with prominent and obvious public entrances;

(c) the public character of the proposed #covered pedestrian space# shall be obvious from the outside of the #building#;

(d) appropriate #commercial uses# including, but not limited to, small stores and cafes fronting on the #covered pedestrian space# are provided;

(e) the distribution of the #bulk# on the #zoning lot# permits satisfactory access of light and air to surrounding #streets# and properties; and

(f) the proposed connection to an underground subway station from a #covered pedestrian space# is necessary to ease pedestrian movement and sidewalk congestion in the area and the construction cost of the proposed amenity is substantial enough to justify the granting of additional #floor area ratio# bonus.

The Commission may permit modification of the entrance requirements for #covered pedestrian spaces#, provided that the Commission finds that the entrance is so designed as to ensure prominent public notice and promote public pedestrian circulation through such space.

(3/22/16)

74-88
Modification of Height and Setback and Street Wall Regulations
Upon application, the City Planning Commission may permit the modification of height and setback and street wall regulations of Section 23-651 (Tower-on-a-base) and paragraph (a) of Section 35-64 (Special Tower Regulations for Mixed Buildings), except for the permitted tower coverage or the required floor area distribution below a height of 150 feet, and may permit modification of the requirements of paragraph (a)(1)(ii) of Section 24-54 (Tower Regulations), provided the Commission makes the following findings:

(a) that such modification will enhance the contextual relationship of the development or enlargement to nearby buildings and improve the overall scale, site design and architectural harmony among buildings in the neighborhood; and

(b) that such modification will not unduly obstruct access of light and air to the detriment of the occupants or users of the buildings in the block or nearby blocks or of people using the public streets.

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

(2/2/11)

**74-89**

**Bulk Modifications for Telephone Exchanges or Other Communication Equipment Structures**

In C1 and C2 Districts when mapped in R6, R7, R8, R9 and R10 Districts, and in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C5-1, C6-1, C6-2, C6-3, C7, C8-2, C8-3, C8-4, M1-2, M1-3, M1-4, M1-5, M2 and M3 Districts, the City Planning Commission may permit modification of the bulk regulations for telephone exchanges or other communications equipment structures not existing on December 15, 1961, provided that the zoning lot has a minimum area of 40,000 square feet, a floor area ratio of no greater than 10.0 and that the following findings are made:

(a) that the growth of the utility service demand to be served by the facility requires the construction of a building or other structure that would exceed the allowable bulk permitted by the district regulations;

(b) that provisions of new or additional facilities at other locations would cause substantial duplication of plant and facilities;
(c) that the proposal is the minimum modification necessary to permit the additional facilities needed to serve the demand;

(d) that the design of the facility will not adversely affect the character of the neighborhood;

(e) that the existing #street# and public transportation system will not be adversely affected; and

(f) that, where appropriate and feasible in the judgment of the Commission, the applicant provides a public amenity for the benefit of the affected community.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.

(3/22/16)

74-90
USE AND BULK MODIFICATIONS FOR CERTAIN COMMUNITY FACILITY USES

(3/22/16)

74-901
Long-term care facilities

The City Planning Commission may permit #long-term care facilities# in locations where they are not permitted as-of-right, in accordance with paragraph (a) or (b) of this Section.

(a) In R1 and R2 Districts

The Commission may permit #long-term care facilities# in R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts#, provided that the following findings are made:

(1) such #use# is compatible with the character of the surrounding area;

(2) the proposed #building# access, orientation and landscaping create an adequate buffer between the
proposed facility and nearby residences; and

(3) the streets providing access to such use are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

(b) In certain Community Districts

The Commission may permit the development of nursing homes, as defined in the New York State Public Health Law, or enlargements of existing nursing homes that increase the existing floor area by 15,000 square feet or more, in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, Community District 14 in the Borough of Queens, and Community District 1 in the Borough of Staten Island, provided that the Commission finds that the development of additional nursing home beds will not unduly burden such community district.

Where such use is permitted by the Commission, it may be eligible for bulk modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts), or Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts), as applicable.

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

(3/22/16)

74-902
Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such Residence Districts for any development, extension or enlargement or change of use involving any community facility uses permitted as-of-right pursuant to the provisions of Sections 22-13 (Use Group 3) or 22-14 (Use Group 4), or long-term care facilities for which a special permit has been granted pursuant to Section 74-901, the City Planning Commission may permit the allowable community facility floor area ratio and lot coverage of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such uses, provided that the following findings are made:
(a) that the distribution of #bulk# on the #zoning lot# will not
unduly obstruct the access of light and air in and to
adjoining properties or public #streets#, and will result in
satisfactory site planning and satisfactory urban design
relationships of #buildings# to adjacent #streets# and the
surrounding area;

(b) that the architectural and landscaping treatment and the
height of the proposed #building# containing such #uses#
blends harmoniously with the topography and the surrounding
area;

(c) that the proposed facility will not require any significant
additions to the supporting services of the neighborhood or
that provision for adequate supporting services has been made;
and

(d) that the #streets# providing access to such #use# are adequate
to handle the traffic generated thereby or provision has been
made to handle such traffic.

The Commission may request a report from appropriate governmental
agencies with respect to #community facility uses# requesting a
special permit under this Section.

To minimize traffic congestion in the area, the Commission may
require where necessary off-street parking facilities and
#accessory# off-street loading berths beyond the amount required by
the district regulations.

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

(3/22/16)

74-903
Certain community facility uses in R3 to R9 Districts and certain
Commercial Districts

The City Planning Commission may permit the #community facility
floor area ratio# and the #community facility bulk# provisions to
apply to a #development#, #extension# or #enlargement#, or change
of #use# containing #long-term care facilities# or philanthropic or
non-profit institutions with sleeping accommodations, as set forth
in paragraph (a), provided that the findings in paragraph (b) of
this Section are met.
(a) The Commission may permit:

1. in R3 through R9 Districts, or in C1 or C2 Districts mapped within an R3 through R9 District or #Commercial Districts# with an R3 through R9 District residential equivalent, the #community facility floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #buildings# containing philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3;

2. in R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C3A Districts, the #community facility floor area ratio# of Section 24-11 to apply to #buildings# containing #long-term care facilities#, as listed in Use Group 3;

3. in R3-2 Districts, or R4 or R5 Districts without a letter or number suffix, or in C1 or C2 Districts mapped within an R3-2 District or within an R4 or R5 District without a letter suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 4, Article III, Chapter 3, or Article III, Chapter 5, as applicable, and the #community facility floor area ratio# of Section 24-11, to apply to #buildings# containing #long-term care facilities#; or

4. in R6 through R10 Districts without a letter suffix, and in C1 or C2 Districts mapped within an R6 through R10 District without a letter suffix or in #Commercial Districts# with an R6 through R10 District equivalent without a letter suffix, the #bulk# regulations of Article II Chapter 4, Article III, Chapter 3 or Article III, Chapter 5, as applicable, and the #community facility floor area ratio# of Section 24-11, as applicable, to apply to #buildings# containing #long-term care facilities#.

(b) In order to grant such a special permit for #community facility floor area ratio# or #community facility bulk#, as applicable, the Commission shall find that:

1. the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;
(2) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and

(3) the streets providing access to such use will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to community facility uses requesting a special permit under this Section.

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

(3/22/16)

74-91
Modification of Public Plazas

In all districts, the City Planning Commission may permit modification of the provisions of Section 37-70 (PUBLIC PLAZAS) affecting the eligibility of public plazas for bonus floor area, provided that such modification shall not include any modification of Sections 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), 24-14 or 33-13 (Floor Area Bonus for a Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the public plaza will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding buildings and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such public plazas to surrounding buildings and open areas.

(9/24/08)

74-92
Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts
In M1 Districts, except for houses of worship and ambulatory diagnostic or treatment health care facilities, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in M1-5A, M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such #community facility# is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

1. an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;

2. such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;

3. where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;

4. in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;

5. for a Use Group 4A #use#, within the neighborhood primarily to be served by the #community facility#, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and

6. such facility will not impair the essential character of the surrounding area.
(b) **Bulk# modifications for museums in M1-5 Districts**

For a **building# containing a museum #use# listed in Use Group 3A, in an M1-5 District, on a **zoning lot# over which the High Line (as defined in Section 98-01) passes, the Commission may modify height and setback regulations, provided that such modifications:

1. provide a better distribution of **bulk# on the **zoning lot#;

2. result in a better relationship of the **building# to open areas including the High Line, adjacent **streets# and surrounding properties;

3. provide adequate light and air for **buildings# on the **zoning lot# and do not adversely affect adjacent **zoning lots# by unduly restricting access to light and air to surrounding **streets# and properties; and

4. result in a **building# containing a museum #use# that facilitates the public’s use and enjoyment of the High Line.

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

(2/28/85)

**74-922**

**Certain large retail establishments**

In M1 Districts, the City Planning Commission may permit department stores, carpet, rug, linoleum or other floor covering stores, clothing or clothing accessory stores, dry goods or fabric stores, food stores, furniture stores, television, radio, phonograph or household appliance stores, or variety stores, with no limitation on #floor area# per establishment.

In M1-5 or M1-6 Districts, the Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of
such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building designed for residential use#.

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

(a) that the principal vehicular access for such #use# is not located on a local #narrow street#;

(b) that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;

(c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;

(d) that vehicular entrances and exits are provided for such #uses# and are located not less than 100 feet apart;

(e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;

(f) that such #use# is so located as not to impair the essential character or the future use of or development of the surrounding area;

(g) that such #use# will not produce any adverse effects which interfere with the appropriate #use# of land in the district or in any adjacent district;

(h) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and

(i) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:

(1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;
(2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or Manufacturing District and the maximum distance between the two sites is 1000 feet;

(3) that the location of the loading berths on the same zoning lot as the retail store would have a significant impact on the existing residential uses in the building;

(4) that the location of the loading berths on the same zoning lot as the retail store would create serious vehicular and pedestrian traffic conflict on the street upon which the store fronts; and

(5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the streets surrounding the alternate site.

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

(12/19/17)

74-93
Special Commercial and Manufacturing Developments

(12/19/17)

74-931
Special commercial or mixed use developments in Commercial Districts

Within the boundaries of Community District 6, Borough of Queens, for commercial or mixed use developments or enlargements on two or more zoning lots in more than one block, which zoning lots, as defined in Section 12-10, each have single fee ownership or equivalent ownership arrangements for all lots comprising the development or enlargement, which are contiguous or would be contiguous but for their separation by a street, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

(a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided
that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the 
uses proposed;

(b) any closed and demapped air space above a street to be considered as a part of the development or enlargement and to be used for automobile ways, or for pedestrian ways, provided the Commission finds that:

(1) each bridge over the street bed utilizes only unused floor area from an adjoining zoning lot within the development or enlargement and that no floor area credit is generated from the demapped air space;

(2) each bridge adjoins zoning lots which are wholly within the development or enlargement;

(3) the curb levels of the adjoining zoning lots are not affected by the closing and demapping of such air space;

(4) all street frontages of the zoning lots under each bridge are provided with satisfactory lighting; and

(5) a landscaped open, covered or enclosed space for public use at street level, linked with the pedestrian circulation system, is provided in one location within the development or enlargement, which open, covered or enclosed space is at least equivalent to the street area covered by the bridges, has a minimum area of 20,000 square feet and is maintained with planting and seating facilities, by the owner of the development or enlargement or his designee, said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;

(c) automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such use is an integral part of the permitted principal use; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair establishments; or automobile fuel service stations;

(d) modification of applicable bulk regulations by permitting the total permitted floor area for all zoning lots within such development or enlargement to be distributed without regard to zoning lot lines and permitting the location of buildings without regard for the applicable height and
setback regulations, provided the Commission finds that:

(1) such distribution of #floor area# and location of #buildings# will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and

(2) such distribution of #floor area# and location of #buildings# will permit adequate access of light and air to surrounding #streets# and properties; and

(e) modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

The Commission may impose additional conditions and safeguards to improve the quality of the #development# or #enlargement# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

(12/19/17)

74-932
Self-service storage facility in designated areas within Manufacturing Districts

On #zoning lots# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts) of this Resolution, the City Planning Commission may permit the #development#, #enlargement# not permitted pursuant to the provisions of Section 42-121 (Use Group 16D self-service storage facilities), or change of #use# of a #building# for #self-service storage facility use#.

To grant such permit, the Commission shall find that the #zoning lot# is appropriate for such #self-service storage facility use#, based on the land use characteristics of the proposed #zoning lot# and the surrounding area. In making this determination, the Commission may consider the following:

(a) whether such #use# is consistent with the economic development objectives of the City for the designated area in which the #self-service storage facility# seeks to be located, and may, in making this determination, consult with the Department of Small
Business Services;

(b) whether recent trends for and levels of investment by #uses# listed in Use Groups 16D (other than a #self-service storage facility#), 17 or 18 demonstrate that there is minimal demand for space for such #uses# in the surrounding area;

(c) whether the size and configuration of the #zoning lot# make it better suited for #self-service storage facility use# than for other #uses# listed in Use Groups 16D, 17 or 18;

(d) for changes of #use# to existing #buildings#, whether the design and layout of loading docks, interior column spacing, floor-to-ceiling height and other relevant physical characteristics of the existing #building# make the #building# better suited for #self-service storage facility use# than for other #uses# listed in Use Groups 16D, 17 or 18;

(e) whether the distance of the #zoning lot# from an arterial highway or a designated truck route, or lack of frontage on a #wide street#, makes the #zoning lot# better suited for #self-service storage facility use# than for other #uses# listed in Use Groups 16D, 17 or 18;

(f) whether the distance of the #zoning lot# from mass transit that serves employees makes the #zoning lot# better suited for #self-service storage facility use# than for other #uses# listed in Use Groups 16D, 17 or 18;

(g) whether the establishment of a #self-service storage facility# will cause environmental remediation work to be undertaken on the #zoning lot#; or

(h) whether there is a concentration of existing #self-service storage facilities# in the surrounding area.

The Commission may impose appropriate conditions and safeguards to minimize any adverse effects upon the existing #uses# in the surrounding area.

(7/26/01)

74-94

Residences for People With Disabilities

In C6-2 Districts, for any #development# designed as a residence for people with disabilities, the City Planning Commission may, by special permit, modify the applicable height and setback
regulations, #open space# and density requirements, regulations pertaining to permitted obstructions in required #yards#, and #accessory# parking requirements, and may increase, to a maximum of 7.2, the allowable #residential floor area ratio# on the #zoning lot# in accordance with the provisions of this Section. For purposes of this Section, a "residence for people with disabilities" is defined as a #residence# occupied at least 75 percent by disabled individuals or by households at least one of the members of which is disabled, and the remainder by individuals 62 years of age or older or by households at least one of the members of which is 62 years of age or older, and by the staff of such #residence# that:

(a) contains #dwelling units# especially designed for disabled persons and reserved for use as residences for the disabled for a period of not less than 40 years;

(b) contains related #accessory# social and welfare facilities primarily for residents which may also be made available to the community, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities, provided that these facilities shall occupy #floor area#, #cellar# space or roof space in an amount equal to not less than 10 percent of the total #floor area# of the #building# or #buildings#. In no event shall the floor space occupied by lobbies, passageways, storage areas or other spaces normally provided in usual #residential buildings# be considered as part of the floor space attributable to the social and welfare facilities; and

(c) is constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State or Federal government agency.

As a condition for such special permit, the Commission shall make the following findings:

(1) that the Mayor's Office for People with Disabilities, which may consult with other appropriate City agencies, has certified that the organization making the application for the special permit for the proposed residence for people with disabilities is a responsible group dealing with the needs of the disabled;

(2) that the Commission, in consultation with the Mayor's Office for People with Disabilities and/or other appropriate City agencies, has determined that the special features and facilities are appropriate to the needs of the intended disabled residents of the #development#;
(3) that the modifications of bulk requirements for the development will not impede adequate access of light and air to the surrounding streets and residential properties; and

(4) that the modification of accessory off-street parking requirements on the zoning lot will not unduly inhibit surface traffic and pedestrian flow in the area.

For each square foot of space provided for accessory social or welfare facilities, the total residential floor area permitted on the zoning lot may be increased by two square feet. No floor area bonus provisions other than those set forth herein shall be applicable to the zoning lot. In no event shall the maximum floor area ratio on the zoning lot exceed 7.2.

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

For the purposes of this Section, the term "disabled" shall be applicable to any person who in the determination of the New York City Commissioner of Health has an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions.

(2/2/11)

74-95
Modifications of Housing Quality Special Permits

Housing Quality developments granted a special permit by the Board of Estimate, prior to August 14, 1987, may be started or continued pursuant to that special permit.

The City Planning Commission may, upon application, authorize modifications of special permits granted before August 14, 1987, under previous Sections 74-95 (Housing Quality Developments) and 74-97 (Special Provisions for a Housing Quality Development on a Through Lot Divided by Residence-Manufacturing District Boundaries with a Substantial Grade Differential).

No such modification may create a new non-compliance or increase the degree of an existing non-compliance.

#Non-compliance# shall be measured pursuant to the applicable
district #bulk# regulations and the provisions of Article II, Chapter 8.

In no event may the Commission grant a modification of a previously approved special permit, which would:

(a) increase the height of the #building#;
(b) extend the location of the exterior walls of the #building#;
(c) increase the portion of the #zoning lot# covered by the #building#;
(d) increase the #floor area# on the #zoning lot#;
(e) reduce the amount of indoor and outdoor recreation space other than laundry rooms in the #building#;
(f) reduce the amount of #bulk# storage within a #dwelling unit# or reduce shared #bulk# storage below 40 cubic feet of storage space for each additional 300 square feet of #dwelling unit#, or portion thereof, above 450 square feet; or
(g) affect the provision and maintenance of off-site neighborhood improvements.

(2/28/19)

74-96
Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas

For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the map in this Section, the City Planning Commission may increase the maximum permitted #floor area ratio# and modify the #use#, #bulk# and #public plaza# regulations as set forth in Section 74-962 (Floor area increase and public plaza modifications in Industrial Business Incentive Areas). The Commission may also modify parking and loading requirements for such #developments# or #enlargements# pursuant to Section 74-963 (Parking and loading modifications in Industrial Business Incentive Areas).

For #developments# or #enlargements# receiving a #floor area# increase pursuant to this Section, Section 43-20 (YARD REGULATIONS), inclusive, shall be modified as follows: #rear yard# regulations shall not apply to any #development# or #enlargement# on a #through lot#.
Map of Industrial Business Incentive Areas

Portion of Community District 1, Borough of Brooklyn

(7/14/16)

74-961
Definitions

For the purposes of Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas), inclusive, a “required industrial use” and an “incentive use” shall be defined as follows:
Incentive Use

An “incentive use” is a #use# permitted by the applicable zoning district, that is allowed to occupy the additional #floor area# generated by a #required industrial use# with the exception of the following #uses#:

- #transient hotels# in Use Group 5, as specified in Section 32-14;
- #uses# in Use Groups 6A or 6C, as specified in Section 32-15;
- #uses# in Use Group 7A, as specified in Section 32-16;
- #uses# in Use Group 8C, as specified in Section 32-17;
- #uses# in Use Group 10A, and any retail spaces #accessory# to wholesale offices or showrooms, with storage restricted to samples; in Use Group 10B as specified in Section 32-19;
- #uses# in Use Group 12, as specified in Section 32-21;
- #uses# in Use Group 13, as specified in Section 32-22; and
- moving or storage offices, with no limitation as to storage or #floor area# per establishment, as well as packing or crating establishments, and warehouses, as specified in Section 32-25 (Use Group 16).

Required Industrial Use

A “required industrial use” is a #use# that helps achieve a desirable mix of #commercial# and #manufacturing uses# in an Industrial Business Incentive Area, and that generates additional #floor area# pursuant to provisions set forth in Section 74-962 and is listed in:

Use Group 11A as specified in Section 32-20;

Use Group 16A, as specified in Section 32-25, excluding animal hospitals and kennels; animal pounds or crematoriums; automobile, motorcycle, trailer, or boat sales; crematoriums, human; motorcycle or motor scooter rental establishments; poultry or rabbit killing establishments; riding academies; stables for horses; and trade schools for adults;

Use Group 16B, as specified in Section 32-25;

Use Group 17B, as specified in Section 42-14;
Use Group 17C, as specified in Section 42-14; and

Use Group 18A, as specified in Section 42-15, limited to beverages, alcoholic or breweries; where permitted by the provisions of the applicable zoning district and provided the applicable performance standards pursuant to Section 42-20 are met.

Any diagnostic medical laboratories that receive patients shall not be considered a #required industrial use#.

(7/14/16)

74-962
Floor area increase and public plaza modifications in Industrial Business Incentive Areas

In Industrial Business Incentive Areas, the City Planning Commission may increase the maximum #floor area ratio# on a #zoning lot# in accordance with the Table in this Section.

For #developments# or #enlargements# in the district indicated in Column A, the base maximum #floor area ratio# on a #zoning lot#, Column B, may be increased by 3.5 square feet for each square foot of #required industrial uses# up to the maximum #floor area ratio# for all #uses# on the #zoning lot#, Column E, provided that such #development# or #enlargement# does not include a #transient hotel#, and that such additional #floor area# is occupied by #required industrial uses# and #incentive uses# up to the maximum #floor area ratio# set forth in Column C (Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#), and Column D (Maximum Additional #Floor Area Ratio# for #Incentive Uses#), respectively.

FLOOR AREA INCREASE PERMITTED IN INDUSTRIAL BUSINESS INCENTIVE AREAS

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
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<tbody>
<tr>
<td></td>
<td>District</td>
<td>Base Maximum #Floor Area Ratio#</td>
<td>Additional #Floor Area Ratio# for #Required Industrial Uses#</td>
<td>Maximum #Floor Area Ratio# for All Uses#</td>
</tr>
<tr>
<td>M1-2</td>
<td>2.0</td>
<td>0.8</td>
<td>2.0</td>
<td>4.8</td>
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For such #developments# or #enlargements# that, pursuant to this
Section, increase their permitted #floor area#, and provide a #public plaza#, the Commission may also increase the maximum height of such #development# or #enlargement# and may modify the requirements for #public plazas# set forth in Section 37-70 (PUBLIC PLAZAS).

Applications for such #floor area# increases and modifications are subject to the requirements, conditions and findings set forth in this Section.

(a) Application requirements

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

1. Site plans and elevations which shall establish distribution of #floor area#, height and #setback#, sidewalk widths, primary business entrances, including parking and loading, #yards# and #public plazas#, signage and lighting;

2. Floor plans of all floors which shall establish the location, access plan and dimensions of freight elevators and loading areas and the location of #floor area# dedicated to #required industrial uses# and #incentive uses#;

3. Drawings that show, within a 600 foot radius, the location and type of #uses#, the location, dimensions and elements of off-site open areas including #streets#, waterfront and #upland# parcels, elements of a Waterfront Access Plan, as applicable, and the location of #street# trees and #street# furniture and any other urban design elements. The plans shall demonstrate that any #public plaza# provided meets the requirements of paragraph (b)(5) of this Section; and

4. For #zoning lots# in #flood zones#, flood protection plans, which shall show #base flood elevations# and advisory #base flood elevations#, as applicable, location of mechanical equipment, areas for storage of any hazardous materials and proposed structural or design elements intended to mitigate the impacts of flood and storm events.

(b) Conditions

1. Minimum amount of #required industrial uses#

#Required industrial uses# shall occupy a minimum of
5,000 square feet of horizontally contiguous floor area and shall be served by loading areas and freight elevators with sufficient capacity.

(2) Minimum sidewalk width

All developments and horizontal enlargements that front upon a street line shall provide a sidewalk with a minimum width of 15 feet along the entire frontage of the zoning lot. Such sidewalk, and any open area on the zoning lot required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards; shall be at the same level as the adjoining public sidewalk; and shall be accessible to the public at all times. For the purposes of applying the street wall location requirements and the height and setback regulations of paragraph (b)(3) of this Section, any sidewalk widening line shall be considered to be the street line.

(3) Height and setback

The height and setback regulations of the applicable zoning district shall apply as modified by the provisions of this paragraph.

(i) The street wall of any building shall be located on the street line and shall extend to a height not lower than a minimum base height of 40 feet and not higher than a maximum base height of 75 feet or the height of the building, whichever is less. At least 70 percent of the aggregate width of such street wall below 12 feet shall be located at the street line and no less than 70 percent of the aggregate area of the street wall up to the base height shall be located at the street line. However, up to a width of 130 feet of such street wall located on the short end of the block may be set back from the street line to accommodate a public plaza.

(ii) The height of a building or other structure, or portion thereof, located within 10 feet of a wide street or within 15 feet of a narrow street shall not exceed a maximum base height of 75 feet. Permitted obstructions as set forth in Section 43-42 shall be modified to include dormers above the maximum base height within the front setback area, provided that on any street frontage, the aggregate width of all dormers at the maximum base
height does not exceed 50 percent of the street wall and a maximum height of 110 feet. Beyond 10 feet of a wide street and 15 feet of a narrow street, the height of a building or other structure shall not exceed a maximum building height of 110 feet. All heights shall be measured from the base plane. Where a public plaza is provided pursuant to paragraph (b)(5) of this Section, such maximum building height may be increased to 135 feet.

(iii) Along the short dimension of a block, up to 130 feet of such street wall may be set back from the street line to accommodate a public plaza, and a street wall located at the street line that occupies not more than 40 percent of the short end of the block may rise without setback to the maximum building height.

(4) Ground floor design

(i) The ground floor level street walls and ground floor level walls fronting on a public plaza of a development or horizontal enlargement shall be glazed with transparent materials which may include show windows, transom windows or glazed portions of doors. Such transparent materials shall occupy at least 50 percent of the surface area of such street wall, measured between a height of two feet above the level of the adjoining sidewalk or public plaza and a height of 12 feet above the level of the first finished floor above curb level. The floor level behind such transparent materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the street wall. The ground floor transparency requirements of this paragraph (b)(4)(i) shall not apply to uses listed in Use Groups 11, 16, 17 and 18, or to accessory loading berths or garage entrances; or

(ii) For zoning lots within flood hazard areas, in lieu of the requirements of paragraph (b)(4)(i) of this Section, the provisions of Section 64-22 (Transparency Requirements) shall apply; and

(iii) For any street wall greater than 40 feet in width that does not require glazing, as specified in paragraphs (b)(4)(i) or (b)(4)(ii) of this Section, as applicable, the facade, measured between a height
of two feet above the level of the adjoining sidewalk and a height of 12 feet above the level of the first finished floor above curb level#, shall incorporate design elements, including lighting and wall art, or physical articulation.

(5) #Public plazas#

A public plaza shall contain an area of not less than 12 percent of the lot area of the zoning lot and a minimum of at least 2,000 square feet in area. All public plazas shall comply with the provisions set forth in Section 37-70, inclusive, except that certification requirements of Sections 37-73 (Kiosks and Open Air Cafes) and 37-78 (Compliance) shall not apply.

(6) Signs

(i) In all Industrial Business Incentive Areas, signs are subject to the regulations applicable in C6-4 Districts as set forth in Section 32-60, inclusive. Information signs provided pursuant to paragraph (b)(6)(ii) of this Section shall not count towards the maximum permitted surface area regulations of Section 32-64 (Surface Area and Illumination Provisions), inclusive.

(ii) An information sign shall be provided for all buildings subject to the use restrictions of this special permit. Such required sign shall be mounted on an exterior building wall adjacent to and no more than five feet from all primary entrances of the building. The sign shall be placed so that it is directly visible, without any obstruction, to persons entering the building, and at a height no less than four feet and no more than five and a half feet above the adjoining grade. Such sign shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information sign shall contain: the name and address of the building in lettering no less than three-quarters of an inch in height; and the following statement in lettering no less than one-half of an inch in height, “This building is subject to Industrial Business Incentive Area (IBIA) regulations which require a minimum amount of space to be provided for specific industrial uses.” The information sign shall include the Internet URL, or other widely accessible
means of electronically transmitting and displaying information to the public, where the information required in paragraph (e) of this Section is available to the public.

(c) **Findings**

In order to grant an increase of the maximum permitted floor area ratio and modification of public plaza regulations, the Commission shall find that such increase or modification:

1. will promote a beneficial mix of required industrial and incentive uses;
2. will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;
3. will result in a building that has a better design relationship with surrounding streets and adjacent open areas;
4. will result in a development or enlargement that will not have an adverse effect on the surrounding neighborhood; and
5. of the public plaza requirements will result in a public plaza of equivalent or greater value as a public amenity.

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

(d) **Compliance and recordation**

Failure to comply with a condition or restriction in a special permit granted pursuant to Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas), inclusive, or with applicable approved plans, or with provisions of paragraphs (d), (e) and (f), inclusive, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such special permit, and for the implementation of all other applicable remedies.

A Notice of Restrictions, the form and content of which shall be satisfactory to the Commission, for a property subject to
restrictions or public plaza requirements, as applicable, pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk’s office in the county where the tax lot is located.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect. No temporary certificate of occupancy for any portion of the building to be occupied by incentive uses shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the building required to be occupied by required industrial uses.

(e) Periodic notification by owner

No later than the 20th day after the lease executed by a new tenant permits occupancy of any required industrial space, the owner of a building subject to use restrictions of this Section shall provide the following information at the designated Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public pursuant to paragraph (b)(6)(ii) of this Section. If no new tenant executes a lease for any required industrial space within the calendar year, such information shall be provided no later than the 20th day of the following calendar year. Such electronic information source shall be accessible to the general public at all times and include the information specified below:

(1) the date of the most recent update of this information;

(2) total floor area of the required industrial uses in the development;

(3) a digital copy of all approved special permit drawings pursuant to paragraph (a)(1) through (a)(4) of this Section;

(4) the name of each business establishment occupying floor area reserved for required industrial uses. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of floor area, the Use Group, subgroup and specific use#
as listed in this Resolution shall also be included;

(5) contact information, including the name of the owner of the building and the building management entity, if different, the name of the person designated to manage the building, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and

(6) all prior periodic notification information required pursuant to the provisions of this paragraph (e). However, such notification information that is older than four years from the date of the most recent update need not be included.

(f) Annual reporting by qualified third party

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which a temporary or final certificate of occupancy was issued for a building subject to use restrictions of this Section, the owner of a building subject to use restrictions of this Section shall cause to be prepared a report on the existing conditions of the building, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed.

The inspection shall be preceded by an annual notification letter from the owner of a building subject to use restrictions of this Section to all the required industrial use tenants of the building announcing the date of such inspection, that the organization conducting the inspection shall have access to the spaces occupied by required industrial uses, and encouraging the tenants to provide information including, but not limited to, the number of employees for each such space, to the organization.

The owner of a building subject to use restrictions of this Section shall cause such report to be prepared by either an organization under contract with the City to provide inspection services, or on the Department of Small Business Services list of certified firms that provides such inspection services, or by an organization that the Commissioner of the Department of Small Business Services determines to be qualified to produce such report, provided that any such organization selected by the owner to prepare such report shall have a professional engineer or a registered architect, licensed under the laws of the State of New York, certify the report. Such report shall be in a form provided by the
Director of the Department of City Planning, and shall include all of the information required pursuant to the provisions of paragraph (e) of this Section, and additional information as set forth in this paragraph (f):

(1) a description of each establishment including the North American Industry Classification System (NAICS) code and number of employees;

(2) the total amount of required industrial use floor area that is vacant, as applicable;

(3) the average annual rent for the portions of the building, in the aggregate, required to be occupied by required industrial uses. However, prior to 36 months from the date of execution of a lease by the first required industrial use tenant in the building, no such figure shall be required to be included in any report due pursuant to this paragraph (f). For all calendar years following the year in which the first average annual rent figure is required to be submitted as part of an annual report, the average annual rent figure reported shall be for the annual average rent for the calendar year two years prior to the year in which the report is due; and

(4) the number of new leases executed during the calendar year, categorized by lease duration, in five year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local City Council member shall be included in such transmission.

(7/14/16)

74-963
Parking and loading modifications in Industrial Business Incentive Areas

In association with an application for a special permit for developments or enlargements pursuant to Section 74-962 (Floor area increase and public plaza modifications in Industrial Business Incentive Areas), the City Planning Commission may reduce or waive the off-street parking requirements set forth in Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING,
COMMERCIAL OR COMMUNITY FACILITY USES), inclusive, not including bicycle parking, and may also reduce or waive the loading berth requirements as set forth in Section 44-50 (GENERAL PURPOSES), inclusive, provided that the Commission finds that:

(a) such reduction or waiver will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;

(b) the number of curb cuts provided are the minimum required for adequate access to off-street parking and loading berths, and such curb cuts are located so as to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;

(c) the streets providing access to the development or enlargement are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and

(d) the reduction or waiver of loading berths will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

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

(7/18/95)

74-99
Lapse of Authorization or Special Permit

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.