



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

32-423 - Additional environmental standards for certain uses

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LAST AMENDED

6/6/2024

Where *commercial uses* are located either on the same *story* as *dwelling units*, or on a higher *story*, pursuant to the applicable provisions of Section [32-421](#) and [32-422](#), the provisions of this Section shall apply to *uses* listed in Use Group VI, as set forth in Section [32-16](#) (Use Group VI – Retail and Services), inclusive, *uses* listed in Use Group VIII, as set forth in Section [32-18](#) (Use Group VIII – Recreation, Entertainment and Assembly Spaces), inclusive, *uses* listed in Use Group IX, as set forth in Section [32-19](#) (Use Group IX - Storage) and *uses* listed in Use Group X, as set forth in Section [32-20](#) (Use Group X – Production Uses).

(a) Air quality

Where a *use* listed in Use Group X is required to install an emission stack by Federal, State or Local law, such stack shall exhaust above the height of *building* containing such *use*, or above the height of the immediately adjacent *buildings*, whichever is higher.

(b) Noise

Above the level of the first *story*, where the applicable *commercial uses* are located on the same *story* as a *dwelling unit* or a *story* higher than a *dwelling unit*, such *uses* shall either:

- (1) be separated from *dwelling units* by a horizontal or vertical distance of at least 15 feet and includes at least two wall or ceiling partitions, as applicable; or
- (2) provide attenuation that will result in a sound level below 42 dBA for daytime and 35 dBA for nighttime, as measured from the interior of the closest *dwelling units*. Such measurement shall be verified by an acoustical engineer prior to the issuance of a certificate of occupancy by the Department of Buildings.

(c) Vibration

Above the level of the first *story*, where the applicable *commercial uses* are located on the same *story* as a *dwelling unit* or a *story* higher than a *dwelling unit*, such *uses* shall be subject to the provisions of Section [42-22](#) (Performance Standards Regulating Vibration) for an M1 District, except that the measurements for maximum vibration displacements shall be measured within the *building* instead of at the *lot line*. Such measurement shall be verified by a vibration or acoustical engineer prior to the issuance of a certificate of occupancy by the Department of Buildings.