



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, 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.