Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

74-00 - POWERS OF THE CITY PLANNING COMMISSION

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74-00 - POWERS OF THE CITY PLANNING COMMISSION

LAST AMENDED
12/15/1961

74-01 - General Provisions

LAST AMENDED
6/6/2024

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 Section 27-134 (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# listed under Use Group IV shall be subject to the height and setback requirements of an R2 District:

Fire stations

Police stations

Electric utility substations or public transit or railroad electric substations, limited to sites of not less than 40,000 square feet and not more than 10 acres

Sewage disposal plants.

74-02 - Further Requirements

LAST AMENDED
6/6/2024

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.

74-03 - Requirements for Applications

LAST AMENDED
6/6/2024

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.

74-04 - Conditions and Safeguards

LAST AMENDED
6/6/2024

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.

74-05 - General Provisions for Special Permit Uses

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6/6/2024

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 Sections 74-193 or 74-194; 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 Sections 74-142 or 74-147, 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.

74-06 - Additional Considerations for Special Permit Use and Bulk Modifications

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6/6/2024

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 Section 27-131 (Mandatory 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 27-12 (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 Section 27-131.