Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

74-746 - Special provisions for development or enlargement over streets

File generated by https://zr.planning.nyc.gov on 11/20/2026

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LAST AMENDED
2/2/2011

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.