Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

132-51 - Certification to Allow a Limited Increase in Street Wall Width

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LAST AMENDED
6/28/2012

In #Special Enhanced Commercial District# 2, an establishment may #extend#, thereby exceeding the maximum #street wall# width for non-#residential# establishments set forth in paragraph (b) of Section 132-24, and may reduce the number of establishments required pursuant to 132-23 upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

(a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and

(b) the applicant has submitted an affidavit attesting to and including information that:

(1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and

(2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:

(i) physical restrictions created by the #building# design, including, but not limited to, the location of existing structural walls and vertical circulation cores;

(ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or

(iii) regulatory limitations; and

(c) the applicant has demonstrated that at the time of application not more than one non-#residential# establishment, either existing, or with an approved certification or authorization pursuant to Section 132-50 that has not lapsed, has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

(1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph (c); and

(2) provide at the time of application, pursuant to Section 132-50, evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph (c).

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.