Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

101-80 - SPECIAL PERMITS

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101-80 - SPECIAL PERMITS

LAST AMENDED
6/17/2013

101-81 - Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

LAST AMENDED
12/5/2024

In order to support a concentration of cultural #uses# and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural #uses#, the City Planning Commission may permit the maximum #community facility# #floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of paragraph (a) of Section 23-736 (Special height and setback regulations for sky exposure plane buildings) as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section.

For the purposes of this Section, "cultural use" shall be defined as the following #uses#:

From Use Group III

Libraries

Museums

From Use Group VIII

Art galleries

Art, music, dancing or theatrical studios

Theaters

Historical exhibits

Floor space occupied by such cultural #use# shall qualify as #community facility# #floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) of this Section shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

(a) Conditions

(1) A letter from the Office of the Mayor shall be submitted certifying that:

(i) a preliminary agreement has been executed providing for a cultural facility consisting of at least 40,000 square feet of interior gross square feet in the #building# to be transferred for cultural #uses# and for the construction of the core and shell of such cultural facility by the applicant; and

(ii) floor plans have been provided to the Office of the Mayor which demonstrate that the cultural facility is well-suited for cultural #uses#; and

(2) A legal commitment in the form of a declaration of restrictions shall be executed and delivered to the City for recording upon the approval of the permit, restricting use of

the #floor area# to be occupied by cultural #uses# to cultural #use# for the life of the related #development#, provided that in the event the majority of the #zoning lot# containing such #floor area# is in the ownership of a not-for-profit corporation under contract with the City to provide economic development services at the time of the grant of such permit, execution and recordation of such declaration of restrictions shall be made at the time of the transfer of ownership of the majority of such #zoning lot# for purposes of facilitating the related #development#.

(b) In order to grant such permit, the Commission shall find that:

(1) the #building#, including such cultural #uses#, is designed and arranged on the #zoning lot# in a manner that results in ample visibility of and access to the cultural #uses# from surrounding #streets#;

(2) any #street wall# modifications will facilitate access to #open space# on the lot and result in a #development# that activates the pedestrian environment;

(3) any #bulk# modifications will result in a better distribution of #bulk# on the #zoning lot# by providing for increased light and air to #open space# on the #zoning lot#;

(4) the appearance of #bulk# is minimized through an enhanced articulation of the base and tower elements of the #building#, an enhanced relationship between the #building# and the #open space# on the #zoning lot#, and an enhanced amount and arrangement of the fenestration of the #building#; and

(5) any modifications to #sign# regulations will result in greater visibility for the cultural #uses# provided on the #zoning lot#.

The Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(c) Certificate of occupancy

The Commissioner of Buildings shall not issue a temporary or permanent certificate of occupancy for more than an amount of #floor area# in the #building# equal to the #floor area# to be occupied by non-cultural #uses# minus 40,000 square feet of #floor area# unless the Department of Buildings has received a letter from the Office of the Mayor certifying that a deed transferring ownership of a majority of the #zoning lot# has been recorded and that such deed or other recorded document provides for:

(1) the construction by transferee of the core and shell of the cultural facility described in paragraph (a)(1)(i) of this Section;

(2) the creation of a condominium unit for such cultural facility and the transfer of ownership thereof to the City; and

(3) a right of the transferor to re-enter and re-acquire the #zoning lot# should the applicant fail to complete the construction of the core and shell of the cultural facility.

Should the certification by the Office of the Mayor not be issued within 30 days of the recording of the deed or other document with the stated provisions, a copy of such deed or document may be provided to the Department of Buildings in satisfaction of such certification.

101-82 - Modification of Bulk Regulations for Certain Buildings on Irregular Sites

LAST AMENDED
6/6/2024

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after March 13, 2019, and in C6-4 and C6-6 Districts within the #Special Downtown Brooklyn District#, mapped on or after October 21, 2021, for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no #uses# listed under Use Group V shall be permitted in any portion of the #building# receiving such modifications, and:

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

(c) the proposed modifications are limited to the minimum needed to relieve such difficulties;

(d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and

(e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.