



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **96-21 - Special Regulations for 42nd Street Perimeter Area**

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## 96-21 - Special Regulations for 42nd Street Perimeter Area

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LAST AMENDED

6/6/2024

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

(a) Special #use# regulations

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, the following special #use# regulations shall apply:

(1) Offices

Any #development# or #enlargement# that includes #uses# listed under Offices in Use Group VII #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section [23-13](#) (Special Office Use Regulations).

(2) Automobile showrooms and repairs

In Subarea 1, on the #block# bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street, automobile dealers listed under Use Group VI may be permitted within a #completely enclosed building#, below the level of any floor occupied by #dwelling units#, and such establishments may include repair services or preparation of automobiles for delivery, provided that:

- (i) access for automobiles to the portions of the #building# to be used for vehicle storage, preparation of automobiles for delivery, and automobile repairs shall be located on West 43rd Street;
- (ii) areas within the #building# used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for #accessory# parking for other uses on the #zoning lot#; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an #accessory# #group parking facility#; and
- (iii) the portions of the #building# used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a #cellar# level.

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section [23-154](#) (Inclusionary Housing), except that any units for which a #floor area# increase has been earned, pursuant to Section [23-154](#) shall be within the #Special Clinton District#. In addition, for #developments# or

#enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

(2) #Floor area# regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0. However, the #floor area ratio# on a #zoning lot# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section [23-154](#), except that any units for which a #floor area# increase has been earned pursuant to Section [23-154](#) shall be within the #Special Clinton District#. For #zoning lots# containing #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section [96-25](#) (Floor Area Bonus for New Theater Use).

Any #development# or #enlargement# on a #zoning lot# that includes the area bounded by a line 129 feet east of and parallel to Tenth Avenue, West 42nd Street, a line 184 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 42nd Street shall provide an easement or other agreement for public access to the subway mezzanine or station, as illustrated on the District Map in Appendix A of this Chapter.

An instrument establishing such transit easement or other agreement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

Floor space within the volume governed by such transit easement or other agreement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Metropolitan Transportation Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the volume governed by such transit easement or other agreement for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the volume area is required. A minimum notice of six months in writing shall be given by the Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

The provisions of paragraph (b) of Section [93-65](#) (Transit Facilities) shall apply to any subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station on the tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of this Chapter.

(3) Additional regulations for Subareas 1 and 2

In Subareas 1 and 2, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section [35-64](#) (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section [23-16](#) (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (i) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (ii) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

(c) Retail continuity requirements

The underlying #ground floor level# streetscape provisions set forth in Section [32-30](#) (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along West 42nd Street, between Ninth and Twelfth Avenues shall be considered #Tier C street frontages#

(d) #Street wall# continuity requirements

- (1) At least 80 percent of the #aggregate width of street walls# of a #building# fronting on West 42nd Street, up to a height of 45 feet, shall be located within 10 feet of the #street line# of such #street#.
- (2) The minimum height of the #street wall# of a #building# above #curb level# shall be no less than 45 feet, or the height of the #building#, whichever is less, and no more than 85 feet. Above this required height, the #street wall# of a #building# shall set back at least five feet. The requirements of this paragraph shall also apply to any #building# on a #wide street# frontage within a distance of 50 feet from its intersection with West 42nd Street.

(e) Pedestrian circulation space

Within Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, pedestrian circulation space shall be provided in accordance with the provisions of Section [37-50](#). In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

(f) Special curb cut and parking provisions

No curb cuts shall be permitted on 42nd Street. The parking provisions of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section [93-80](#) (OFF-STREET PARKING REGULATIONS), except that such parking provisions shall not apply to any #development# or #enlargement# for which a special permit was granted prior to January 19, 2005.

Any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004, shall comply with either the parking regulations in effect at the time the permit was issued, or the provisions of this paragraph (f).