Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

139-40 - DISTRICT PLAN ELEMENTS

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139-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED
11/23/2021

In all Subdistricts, the provisions of this Section shall apply to all #zoning lots#, as specified below.

139-41 - Streetscape Regulations

LAST AMENDED
6/6/2024

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 #streets#, or portions thereof, designated on Map 3 (Ground Floor Use Requirements) in Appendix A of this Chapter shall be considered #Tier C street frontages#. In addition, along intersections designated on Map 3, the underlying streetscape requirements for #Tier C street frontages# shall be modified such that the portion of the #ground floor level# #street# frontage that is required to be allocated to non-#residential uses# shall be further limited to #Gowanus retail and entertainment uses#.

139-42 - Street Tree Requirements

LAST AMENDED
12/6/2023

In all districts, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

139-43 - Sidewalk Widening Requirements

LAST AMENDED
11/23/2021

For #developments# along the portions of #streets# designated on Map 4 (Sidewalk Widening Lines) in Appendix A of this Chapter, a sidewalk widening shall be required, providing a total sidewalk width of:

(a) 17 feet along Third Avenue;

(b) 15 feet along Nevins Street; and

(c) 13 feet along Fifth Street.

The total sidewalk width shall be measured perpendicular from the #street line#. Such sidewalk shall be improved to Department of Transportation standards and shall be provided at the same level as the adjoining public sidewalk and be accessible to the public at all times.

Awnings and canopies shall be considered permitted obstructions within a sidewalk widening provided that no structural posts or supports may be located within any portion of the sidewalk or such widening.

139-44 - Bridge Connection Requirements

LAST AMENDED
11/23/2021

For all #zoning lots# abutting bridge structures supporting #streets# which cross the Gowanus Canal at Union Street, Carroll Street, and Third Street, and are subject to #waterfront public access area# requirements, such #waterfront public access area# shall be designed to provide pedestrian connection to the #street# adjacent to the terminus of the bridge structure.

The requirements of this Section may be waived where the Commissioner of the Department of Buildings determines, in consultation with the Department of Transportation, that such a pedestrian connection to the #street# would result in a hazard to pedestrian or traffic safety.

139-45 - Waterfront Public Access Area Requirements

LAST AMENDED
6/6/2024

For all #waterfront zoning lots#, the exemptions from #waterfront public access area# requirements listed in paragraph (a) of Section 62-52 shall not apply.

(a) Reduced requirement for certain manufacturing uses

For #zoning lots# with #developments#, #enlargements#, or #conversions# comprised #predominantly# of #uses# listed under Use Groups IV(B), IX and X that are not permitted in M1 Districts in #Special Mixed Use Districts# pursuant to the provisions of Section 123-21 (Modifications to M1 Use Regulations), the reduced design requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments) shall apply to #waterfront public access areas#.

(b) Authorization for incompatible uses

For #zoning lots# comprised #predominantly# of #uses# listed under Use Groups IV(B), IX and X, the City Planning Commission may authorize the waiver of #waterfront public access area# requirements, provided the Commission finds that:

(1) such #uses# produce objectionable effects on its surroundings such that the #uses# are incompatible with a waterfront public access requirement; or

(2) such #uses# have demonstrable operational requirements which would be incompatible with waterfront public access requirements; and

(3) such waiver is the least necessary to accommodate the proposed #uses#.

Such waivers shall be in effect for as long as the proposed #use# remains on the #zoning lot#. Upon #development# of the #zoning lot# following cessation of the #use# for a period of more than two years, full compliance with #waterfront public access area# requirements, as may be modified by future approvals, is required.

139-46 - Certification for Transit Improvements

LAST AMENDED
12/5/2024

(a) In #Commercial Districts# with a #residential equivalent# of an R9 District, for #developments# on #zoning lots# that are located within 500 feet of the Union Street subway station, the Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow a #development# to:

(1) receive a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by Section 139-211 (Basic floor area regulations); and

(2) further modify additional height permitted pursuant to paragraph (b) of Section 66-234 (Special height and setback modifications) provided the total combined modification does not exceed 30 feet;

where a major improvement to the Union Street subway station consisting of one new off-street station entrance with an accessible route for persons with physical disabilities between two levels servicing the southbound platform is provided.

(b) Prior to issuing such a certification, the following requirements shall be met.

(1) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (b)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be

submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# authorized pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

139-47 - Authorization for sites containing schools

LAST AMENDED
11/23/2021

For #zoning lots# containing #schools# regulated by the provisions of Section 139-214 (Special floor area provisions for zoning lots containing schools), the City Planning Commission may authorize the modification of any #bulk# regulation, including the amount of floor space exempted from the definition of #floor area# by Section 139-214, in order to better accommodate a #school# upon such #zoning lot#.

(a) Conditions

(1) No modification to the maximum #building# height shall exceed 30 feet; and

(2) No modification to the amount of floor space exempted from the definition of #floor area# shall exceed an additional 60,000 square feet of floor space.

(b) Findings

In determining such modifications, the Commission shall find:

(1) such modification is the least modification required to achieve the purpose for which it is granted;

(2) the proposed modification does not impair the essential character of the surrounding area; and

(3) the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing #buildings# on the #zoning lot#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

139-48 - Authorization for Large Mixed-use Sites

LAST AMENDED
11/23/2021

In Subdistrict B, for #developments# on #zoning lots# located in a #Mixed-Use District#, on a #zoning lot# greater than 40,000 square feet in #lot area#, the City Planning Commission may authorize the modifications set forth in paragraph (a) of this Section, provided that the conditions in paragraph (b) and findings in paragraph (c) are met.

(a) Modifications

The Commission may modify the following regulations:

(1) the #use# regulations of this Chapter, limited to ground floor #use# regulations and supplemental #use# regulations;

(2) the #bulk# regulations of this Chapter, except #floor area ratio# regulations, provided that any modifications to height and setback regulations do not exceed the heights permitted in an M1-4 District as set forth in Section 43-43; and

(3) the parking regulations related to the number of required #accessory# off-street parking spaces and the location and spacing of curb cuts.

(b) Conditions

As conditions for the granting of an authorization pursuant to this Section:

(1) the #development# shall result in a mix of #uses# on the #zoning lot# where the predominant amount of #floor area# is associated with non-#residential# #uses#; or

(2) the #development# shall:

(i) result in a mix of #uses# on the #zoning lot# where at least 20 percent of the #floor area# is associated with #Gowanus mix uses#;

(ii) not exceed 300 feet in height; and

(iii) be located on a #zoning lot# where existing #buildings# will occupy at least 20 percent of the #lot coverage#.

(c) Findings

In order to grant such authorization, the Commission shall find that:

(1) where modifying #bulk# regulations, such modifications shall result in a superior configuration of non-#residential# #uses# on the #zoning lot# than would be feasible by applying the #Special Gowanus Mixed Use District# regulations;

(2) where modifying ground floor #use# regulations, the advantages of an off-street loading and access outweigh the disadvantages incurred by the interruption of retail continuity; and

(3) where modifying supplemental #use# and parking regulations, that such modifications would present a limited interruption and would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

Upon completion of the #development#, the #zoning lot# shall remain in compliance with the conditions set forth in paragraph (b) of this Section. Such requirements shall be reflected in a notice of restrictions recorded against all tax lots comprising such #zoning lot#, and a copy of such notice shall be provided to the Department of Buildings.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.