



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **13-40 - CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE MANHATTAN CORE**

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## **13-40 - CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE MANHATTAN CORE**

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LAST AMENDED  
5/8/2013

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### **13-41 - General Provisions**

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LAST AMENDED  
5/8/2013

The City Planning Commission may grant certifications, authorizations and special permits in accordance with Section [13-40](#), inclusive. All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission as specified in this Section, shall conform to and comply with all of the applicable regulations, except as otherwise specified herein.

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### **13-42 - Requirements for Applications**

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LAST AMENDED  
5/8/2013

An application to the City Planning Commission for the grant of a certification, authorization or special permit under the provisions of Section [13-40](#) shall include a site plan showing the location of all existing and proposed #buildings or other structures# on the #zoning lot#, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

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### **13-43 - Certifications in the Manhattan Core**

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LAST AMENDED  
5/8/2013

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#### **13-431 - Reduction of minimum facility size**

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LAST AMENDED  
5/8/2013

An off-street parking facility in the #Manhattan Core# may provide a gross unobstructed surface area less than the minimum size required by Section [13-27](#) (Minimum and Maximum Size of Parking Facilities) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the proposed layout of such parking facility, including, but not limited to, the arrangement of parking spaces, travel aisles and reservoir spaces, where applicable, is sufficient to accommodate the requisite vehicular navigation and turning movements associated with such a facility. In order to make such a determination, the applicant shall provide the Chairperson with dimensioned plan drawings that depict the proposed vehicular movement through the facility, including any relevant maneuverability or turning radius information.

Where the Chairperson certifies that an #accessory# off-street parking facility may be reduced in size because vehicles will be limited in length, such restriction shall be noted on the certificate of occupancy.

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#### **13-432 - Floor area exemption for automated parking facilities**

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LAST AMENDED  
5/8/2013

Floor space used for off-street parking spaces in an #accessory automated parking facility#, up to a height of 40 feet above #curb level#, shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission to the Commissioner of Buildings that:

- (a) the entire #automated parking facility# will be contained within a #completely enclosed# #building#;
- (b) the portion of the #street wall# of such #automated parking facility# below a height of 14 feet, as measured above #curb level#, complies with the screening provisions of Section [13-221](#) (Enclosure and screening requirements), and the portion of the #street wall# above a height of 14 feet, will be similar in composition to the portion of the #building's# #street wall# immediately above such #automated parking facility#, including, but not limited to, the choice of building materials and arrangement and amount thereof; and
- (c) such #automated parking facility# is within a #building# with a #floor area ratio# of at least 2.0.

Any application for such certification shall include relevant plan, elevation and section drawings demonstrating compliance with the provisions of this Section.

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.

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## **13-44 - Authorizations in the Manhattan Core**

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LAST AMENDED  
5/8/2013

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### **13-441 - Curb cuts**

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LAST AMENDED  
5/8/2013

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street#, provided the Commission finds that a curb cut at such a location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# or public transit facilities; and
- (e) will not be inconsistent with the character of the existing streetscape.

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

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## **13-442 - Limited increase in parking spaces for existing buildings without parking**

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LAST AMENDED

5/8/2013

The City Planning Commission may, by authorization, allow an off-street parking facility in the #Manhattan Core# with a maximum capacity of 15 spaces in an existing #building developed# without the provision of parking, provided that the conditions of paragraph (a) and the findings of paragraph (b) of this Section are met.

(a) Conditions

As a condition for approval, the parking facility shall comply with the applicable provisions of Section [13-20](#) (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES), except that such parking facility need not comply with the provisions of Section [13-221](#) (Enclosure and screening requirements).

(b) Findings

The Commission shall find that:

- (1) the location of the vehicular entrances and exits to the parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (4) such parking facility will not be inconsistent with the character of the existing streetscape.

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

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## **13-443 - Reduction in the number of required existing parking spaces**

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LAST AMENDED

5/8/2013

For off-street parking facilities built prior to May 8, 2013, the City Planning Commission may authorize a reduction in the number of required #accessory# off-street parking spaces where the Commission finds that such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

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

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## **13-45 - Special Permits for Additional Parking Spaces**

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LAST AMENDED

In accordance with the special permit provisions of Sections [13-451](#) through [13-455](#), the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the conditions of paragraph (b) and the findings of paragraphs (c) and (d) of this Section.

(a) Eligible parking facilities

The City Planning Commission may permit, subject to the otherwise applicable zoning district regulations:

- (1) #accessory# off-street parking facilities on-site or off-site, open or enclosed, with any capacity, where such facilities:
  - (i) are proposed #developments# or #enlargements# with a capacity not otherwise allowed under the applicable regulations of Section [13-10](#) (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE); or
  - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section [13-07](#) (Existing Buildings and Off-street Parking Facilities);
- (2) #public parking lots#, where such facilities:
  - (i) are proposed #developments# or #enlargements# with any capacity not otherwise allowed under the applicable regulations of Section [13-10](#);
  - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section [13-07](#); or
  - (iii) are proposed #developments# or #enlargements# in locations not permitted by Section [13-14](#) (Permitted Parking in Public Parking Lots);
- (3) #public parking garages#, where such facilities:
  - (i) are proposed #developments# or #enlargements# in the zoning districts permitted, pursuant to paragraph (d) of Section [13-041](#) (Applicability of parking regulations within the Manhattan Core); or
  - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces pursuant to the provisions of Section [13-07](#).

The Commission may also permit floor space in such #public parking garages# used for off-street parking spaces in any #story# located not more than 23 feet above #curb level# to be exempt from the definition of #floor area#, as set forth in Section [12-10](#).

(b) Conditions

The proposed parking facility shall comply with the applicable provisions of Section [13-20](#) (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES). Proposed #public parking garages# shall utilize the applicable regulations for #accessory# off-street parking facilities. However, applications to increase the number of parking spaces in parking facilities existing prior to May 8, 2013, need not comply with the provisions of Section [13-221](#) (Enclosure and screening requirements).

(c) Findings

The Commission shall find that:

- (1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
  - (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
  - (3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
  - (4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and
  - (5) such parking facility will not be inconsistent with the character of the existing streetscape.
- (d) Additional findings

The Commission shall also find that each proposed off-street parking facility complies with the additional findings set forth in one of the following Sections, as applicable:

- (1) Section [13-451](#) (Additional parking spaces for residential growth) shall apply to any such parking facility serving the parking needs of a predominantly #residential# #development# or #enlargement# on a tract of land that has or will have an area of less than 1.5 acres;
- (2) Section [13-452](#) (Additional parking spaces for health care, arts or public assembly uses) shall apply to any such parking facility serving the parking needs of any #use# listed in paragraph (a) of Section [13-452](#) on a tract of land that has or will have an area of less than 1.5 acres;
- (3) Section [13-453](#) (Additional parking spaces for economic development uses) shall apply to any such parking facility serving the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section [13-452](#) on a tract of land that has or will have an area of less than 1.5 acres;
- (4) Section [13-454](#) (Additional parking spaces for large development sites) shall apply to any such parking facility serving the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land that has or will have an area of at least 1.5 acres; or
- (5) Section [13-455](#) (Additional parking spaces for existing accessory off-street parking facilities) shall apply to any such #accessory# parking facility existing prior to May 8, 2013.

In determining the amount of additional parking spaces to grant pursuant to such additional findings, the Commission may take into account levels of vacancy in existing off-street parking facilities within the area of the proposed parking facility.

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## **13-451 - Additional parking spaces for residential growth**

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The City Planning Commission may permit a parking facility listed in paragraph (a) of Section [13-45](#) (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a predominantly #residential# #development# or #enlargement#, provided that, in addition to the conditions and findings set forth in Section [13-45](#), the Commission shall find that either:

- (a) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:
  - (1) the increase in the number of #dwelling units# ; and
  - (2) the number of both public and #accessory# off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained City Planning Commission special permits pursuant to Section [13-45](#); or
- (b) the proposed ratio of parking spaces to #dwelling units# in the proposed #development# or #enlargement# does not exceed:
  - (1) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or
  - (2) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8.

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

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### **13-452 - Additional parking spaces for health care, arts or public assembly uses**

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LAST AMENDED  
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section [13-45](#) (Special Permits for Additional Parking Spaces), where such parking facility would serve the parking needs of a health care, arts or public assembly #use#, provided that, in addition to the conditions and findings set forth in Section [13-45](#), the Commission shall find that:

- (a) the proposed parking facility is either in close proximity to or on the same #zoning lot# as one or more of the following #uses# :
  - (1) a hospital or related facility, as listed in Use Group 4;
  - (2) a museum, as listed in Use Group 3;
  - (3) a theater, as listed in Use Group 8, or other performing arts venue; or
  - (4) an arena, auditorium, trade exposition or stadium, as listed in Use Group 12 or, where permitted by special permit, pursuant to Section [74-41](#) or other government agency approvals;
- (b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such health care, arts or public assembly #use#; and

- (c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# health care, arts or public assembly #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new health care, arts or public assembly #uses#, such measures shall be committed to in a form acceptable to the Commission.

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

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### **13-453 - Additional parking spaces for economic development uses**

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LAST AMENDED

5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section [13-45](#) (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section [13-452](#), provided that, in addition to the conditions and findings set forth in Section [13-45](#), the Commission shall find that:

- (a) the proposed parking facility is in close proximity to or on the same #zoning lot# as a #commercial# #use#, #community facility# #use# or #manufacturing# #use# that is of significant importance to the economic well-being of the City of New York;
- (b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such #use#; and
- (c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission.

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

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### **13-454 - Additional parking spaces for large development sites**

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LAST AMENDED

5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section [13-45](#) (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land exceeding 1.5 acres, provided that, in addition to the conditions and findings set forth in Section [13-45](#), the Commission shall find that:

- (a) where an increased number of permitted off-street parking spaces in such proposed parking facility would serve the parking needs of a predominantly #residential# #development# or #enlargement#, either finding (a) or finding (b) of Section [13-451](#) (Additional parking spaces for residential growth) is met; or
- (b) where such proposed parking facility would serve the parking needs of a predominantly non-#residential# #development# or #enlargement#, an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of the non-#residential uses# in such #development# or #enlargement# ; and



- (c) where a parking deficit is created by the relocation of parking users from off-street parking spaces that will be eliminated through the proposed #development# or #enlargement#, the availability of off-street parking in the vicinity of such proposed #development# or #enlargement# will be of insufficient capacity to accommodate such potential parking users;
- (d) reasonable measures to minimize parking demand have been identified. For existing or #enlarged uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission; and
- (e) where phased construction will occur in the #large-scale development#, or #development# or #enlargement# on a tract of land exceeding 1.5 acres, a phased parking plan has been provided that demonstrates that a reasonable and not excessive amount of additional parking spaces is provided in the proposed parking facility in relation to the amount of completed construction within each phase.

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

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### **13-455 - Additional parking spaces for existing accessory off-street parking facilities**

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LAST AMENDED  
5/8/2013

The City Planning Commission may permit an increase in the number of spaces in an #accessory# off-street parking facility existing prior to May 8, 2013, as listed in paragraph (a) of Section [13-45](#) (Special Permits for Additional Parking Spaces), provided that, in addition to the conditions and findings set forth in Section [13-45](#), the Commission shall find that:

- (a) where such increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of #residential uses#, either:
  - (1) finding (a) of Section [13-451](#) (Additional parking spaces for residential growth) is met; or
  - (2) the sum of any existing off-street parking spaces, and the proposed increase, does not exceed:
    - (i) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or
    - (ii) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8; and
    - (iii) the number of parking spaces that would be permitted for existing conforming non-#residential uses#, if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section [13-10](#) (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE), were applied.

Any #dwelling units# on the #zoning lot# or #zoning lots# which are #non-complying# as to density shall not be included in such calculation pursuant to paragraphs (a)(2)(i) or (a)(2)(ii) of this Section, and any #non-complying# #floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio in paragraph (a)(2)(iii) of this Section; or

- (b) where an increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of conforming non-#residential uses#, the sum of any existing off-street parking spaces, and the proposed increase, does not exceed the number of parking spaces that would be permitted if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section [13-](#)

[10](#), were applied. Any #non-complying# #floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio.