



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

74-60 - PUBLIC SERVICE OR TRANSPORTATION FACILITIES

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74-60 - PUBLIC SERVICE OR TRANSPORTATION FACILITIES

LAST AMENDED
12/15/1961

74-61 - Public Transit, Railroad or Electric Utility Substations

LAST AMENDED
9/10/2007

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

- (a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;
- (b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;
- (c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (d) that such #use# will conform to the performance standards applicable to M1 Districts.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

74-62 - Railroad Passenger Stations

LAST AMENDED
2/2/2011

- (a) Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:
 - (1) that the principal access for such #use# is not located on a local #street#;
 - (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and
 - (3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such

#use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

- (b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:
- (1) that the principal access for such railroad passenger station is not located on a local #street#;
 - (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
 - (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
 - (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
 - (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
 - (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
 - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
 - (ii) the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A

#publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment

The Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.

74-63 - Bus Stations

LAST AMENDED
12/15/1961

74-631 - New bus stations with 10 or more berths

LAST AMENDED
2/2/2011

In C4, C6 or #Manufacturing Districts#, the City Planning Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

- (a) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;
- (b) that the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
- (c) that such #use# is not located within 200 feet of a #Residence District#, or is otherwise separated from nearby residential areas by topographical or physical conditions of the land;
- (d) that vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart; and
- (e) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

74-632 - New bus stations with fewer than 10 berths

LAST AMENDED

12/15/1961

In C1, C2, C4, C6, C7 or C8 Districts, or in any #Manufacturing District#, the City Planning Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

- (a) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the City;
- (b) that the principal access of such #use# is not located on a local #street#;
- (c) that vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart; and
- (d) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.

74-633 - Existing bus stations

LAST AMENDED

12/15/1961

All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such #use# has been authorized but the #enlargement#, #extension#, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in Sections 74-631 or 74-632.

74-64 - Trucking Terminals or Motor Freight Stations

LAST AMENDED

12/15/1961

In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations with sites in excess of 20,000 square feet, provided that the following findings are made:

- (a) that the principal access for such #use# is not on a local #street# but is located within one-quarter mile of a secondary or major #street#;
- (b) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart;
- (c) that such #use# is not located within 200 feet of a #Residence District# boundary; and
- (d) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening and surfacing all access roads or driveways.

74-65 - Airports

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of airports and their facilities, in any case where the applicant has submitted a site plan showing the location and dimensions of all runways, in addition to all other information required in Section 74-20 (REQUIREMENTS FOR APPLICATIONS), provided that the following findings are made:

- (a) that the airport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and
- (b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration, for the report of such agency as to whether such airport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region; and whether a new, reoriented, or lengthened runway will interfere with the flight pattern of any nearby airport.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the Commission may adopt a resolution to amend the #zoning maps# so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent #Residence District# shall be mapped as an R1, R2, or R3 District, and any adjacent #Commercial# or #Manufacturing District# shall be mapped as a C1, C2, C3, C4-1, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3 or M3 District.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

74-66 - Heliports

LAST AMENDED
7/23/1964

In C3, C4, C5, C6, C7 or C8 Districts or in any #Manufacturing District#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of heliports and their facilities where the applicant has submitted a site plan showing the location of landing areas, in addition to all other information required in Section 74-20 (REQUIREMENTS FOR APPLICATIONS), provided that the following findings are made:

- (a) that the heliport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and
- (b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the heliport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in the Resolution with respect to other major traffic-generating facilities.

74-67 - Fire or Police Stations

LAST AMENDED
2/2/2011

In all #Residence Districts#, the City Planning Commission may permit fire or police stations, provided that the following findings are made:

- (a) that such #use# will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as-of-right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and
- (b) in the case of fire stations, that such #use# is so located as to minimize the movement of fire apparatus through local #streets# in residential areas.

For any such #use#, the Commission may permit appropriate modifications of the applicable regulations of Article II, Chapter 3, provided that such #use# complies with all the applicable district #bulk# regulations for #community facility buildings# as set forth in Article II, Chapter 4.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements for landscaping.

74-68 - Development Within or Over a Right-of-Way or Yards

LAST AMENDED
2/22/1990

74-681 - Development within or over a railroad or transit right-of-way or yard

LAST AMENDED
7/26/2001

- (a) In all districts, when a #development# or #enlargement#, including large-scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, the City Planning Commission may permit:
 - (1) that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the #lot area# for such #development# or #enlargement#;
 - (2) any portion of the right-of-way or yard where railroad or transit #use# has been permanently discontinued or terminated to be included in the #lot area# for such #development# or #enlargement#;
 - (3) notwithstanding the applicable district regulations, certain #uses# may be located beneath a portion of a permanent platform, including a platform street as follows:
 - (i) any #use# #accessory# to a primary #use# located on the #zoning lot#;
 - (ii) a #public parking garage# or #public parking lot# provided the findings set forth in Section 74-52 and

hereby made applicable, are met for such garage or lot;

- (iii) a railroad passenger station (pursuant to Section 74-62) or a railroad including right-of-way, freight terminal, yard or appurtenance, or a facility or service used or required in railroad operations;
- (iv) a public transit yard, vehicle storage, warehouse, trucking terminal or motor freight station (without limitation on #lot area# per establishment).

(b) As a condition for granting a special permit, the Commission shall find that:

- (1) the #streets# providing access to all #uses# pursuant to paragraph (a) of this Section are adequate to handle traffic resulting therefrom;
- (2) the distribution of #floor area# and the number of #dwelling units# or #rooming units# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#, including any portion of the #development# or #enlargement# located beyond the boundaries of such railroad or transit right-of-way or yard;
- (3) all #uses#, #developments# or #enlargements# located on the #zoning lot# or below a platform do not adversely affect one another;
- (4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

(c) For any #development# or #enlargement# located within or over railroad or transit right-of-way or yard:

- (1) the application to be filed with the Commission for special permit approval pursuant to this Section shall include a site plan showing:
 - (i) the total #lot area# of that portion of a railroad or transit right-of-way or yard to be covered by a platform; and/or
 - (ii) the total #lot area# of such right-of-way or yard that has been permanently discontinued or terminated;
- (2) ownership of rights to #develop# in #railroad or transit air space# or within a railroad or transit right-of-way or yard where such #use# has been permanently discontinued or terminated, shall meet the requirements of the #zoning lot# definition in Section 12-10 (DEFINITIONS);
- (3) where the railroad or transit right-of-way or yard is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for utilities, ventilation, drainage or other necessary purposes;
- (4) the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#;
- (5) the Commission may permit #buildings# to be connected by a bridge or tunnel, within a portion of a #street#, provided that the street volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation; however, in no event shall such a bridge or tunnel be considered as #lot area# or generate any #floor area#; and in the case of a bridge, the Commission shall find that such bridge will:

- (i) provide adequate vertical clearance at all points measured from #curb level# to the soffit;
- (ii) not rest upon columns or other supports that intrude upon the #street#;
- (iii) provide illumination of at least five foot candles at the #curb level# for the #street# area beneath the bridge;
- (iv) not unduly obstruct any significant scenic view; and
- (v) provide adequate light and air to the #street# or surrounding public spaces or #streets#.

In the case of a tunnel, the Commission may permit #buildings# to be connected by a tunnel under a #street#, provided the Commission finds that the tunnel is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the #development# and on adjoining #streets#.

- (d) The Commission shall require the provision of adequate #accessory# off-street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any #use# permitted on the #zoning lot#, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require where the #development# or #enlargement# includes an active railroad or transit #use#, that the structural design of such #development# or #enlargement# make due allowance for changes within the layout of tracks or other structures within such #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use that portion of the #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been permanently discontinued or terminated.

74-682 - Developments over streets

LAST AMENDED
10/7/2008

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State-enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air space, the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

In order to grant such special permit, the Commission shall find:

- (a) for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on-site and in the area; and

- (b) for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning# #lot lines#, provided that such loading berths shall be:
- (1) adequate to serve the requirements of the institution;
 - (2) accessible to all the #uses# in such institution without the need to cross any #street# at grade; and
 - (3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

74-69 - Seaplane Bases

LAST AMENDED
2/2/2011

In all districts, the City Planning Commission may permit seaplane bases provided that the following findings are made:

- (a) that such #use# and the take-off and landing operations it serves are so located as not to impair the essential character or future #use# or #development# of the surrounding area; and
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the seaplane base is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution.