Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

74-841 - Development in certain Commercial Districts

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In C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the City Planning Commission may permit a zoning lot having a minimum area of 40,000 square feet or occupying an entire block to be developed to its maximum allowable bulk under applicable district regulations and any existing buildings to remain temporarily on that lot and may permit the floor area of any existing buildings to be excluded from computations determining such maximum allowable floor area, provided that each and every one of the following conditions are met:

(a) that existing buildings with unexpired leasehold interests are located upon such zoning lot;

(b) that all leases within the existing buildings must terminate within five years after the issuance of a special permit under this Section, and that no new leases or any lease renewals shall be entered into on any existing buildings or portion of such existing buildings;

(c) that the total floor area of all such existing buildings on the zoning lot is not greater than 20 percent of the maximum allowable floor area for that zoning lot;

(d) that demolition of all such existing buildings must commence within five years after the issuance of the special permit under this Section;

(e) that the portions of the zoning lot where existing buildings are located and are to be demolished shall be redeveloped according to the approved site plan; and

(f) that, until such time as demolition of all such existing buildings and completion of the approved site plans, floor area equal in amount to that which was located in such existing buildings, must be left unfinished and vacant in the new development; and a temporary certificate of occupancy, for the vacant space, shall remain in effect until all conditions in the special permit are satisfied.

The owner of the zoning lot shall submit a copy of all leases on any building or portion of any building on the zoning lot together with an opinion of counsel that the leases will terminate within five years.

All leases of such existing buildings or portions of buildings shall submit affidavits attesting to the expiration date of their leases together with an opinion of counsel that the lease will expire within five years.

The owner of the zoning lot shall have prominently displayed on the front of all existing buildings a sign stating the date that the building is to be demolished.

As a further condition for the issuance of a permit under this Section, the owner of the zoning lot,
upon which new development is to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel sufficient in amount to:

(1) cover the cost of demolishing the existing buildings should the owner fail to so demolish within the prescribed time;

(2) ensure that all floor area which is to be vacant in the new development shall remain unfinished and vacant; and

(3) ensure that no new leases or lease renewals are entered into on any portion of any of the existing buildings.

The bonds or other securities shall be payable to The City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this Section, that the development shall result in improved circulation and would eliminate the undesirable preemption of ground level space by private buildings or other structures. In making this finding, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing buildings and the schedule of new development and other improvements on the zoning lot.