Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

66-123 - Other limitations on applicability

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LAST AMENDED
10/7/2021

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. In addition, the following special vesting provisions shall apply:

(a) Inapplicability of easement provisions for vested sites and previously approved easements

The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), shall not apply to:

(1) #developments# or #enlargements# on the lowest #story# of a #building# on #zoning lots# with an easement created pursuant to the provisions of this Resolution on or before October 7, 2021, where such easement is providing transit station access infrastructure or ancillary facilities; or

(2) #developments# or #enlargements# on the lowest #story# of a #building# if, on or before October 7, 2021:

(i) an application has been filed with the Department of Buildings, and if, on or before October 7, 2021, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development# or #enlargement#. The application may be revised and retain vested status, provided that the #lot coverage# for the #development# or #enlargement# is

not increased beyond the amount described in the approved application;

(ii) an application for a special permit or variance has either been approved or is pending before the Board of Standards and Appeals;

(iii) an authorization or special permit from the City Planning Commission has either been approved, certified or referred; or

(iv) an application for a Certificate of Appropriateness or other permits has either been approved or is pending before the Landmarks Preservation Commission.

Subsequent to October 7, 2021, such applications for #developments# or #enlargements# may be continued, and, if approved, construction may be started or continued pursuant to the provisions in effect prior to October 7, 2021.

(b) Applicability of bonus provisions to previously filed special permits applications

If, before October 7, 2021, an application for a special permit for a #floor area# bonus for subway station improvements has been referred for public review by the City Planning Commission pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), as such Section existed prior to October 7, 2021, such application may continue pursuant to the regulations in effect at the time such special permit was referred for public review by the Commission. Such special permit, if granted by the Commission, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was referred by the Commission.