Zoning Resolution

THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Clinton District (CL)

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Chapter 6 - Special Clinton District (CL)

96-00 - GENERAL PURPOSES

LAST AMENDED
1/19/2005

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary to provide specific programs and regulations which will assure realization of community and citywide goals.

These goals include, among others, the following:

(a) to preserve and strengthen the residential character of the community;

(b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups currently residing in the area;

(c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;

(d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;

(e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;

(f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent Special Hudson Yards District;

(g) to provide amenities, such as street trees, to improve the physical environment;

(h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and

(i) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

96-01 - Definitions

LAST AMENDED
12/5/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

Certification of no harassment

"Certification of no harassment" shall mean a certification by the Department of Housing Preservation and Development pursuant to Section 96-107 that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#, as defined in Section 96-107.

Harassment

"Harassment" shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

(a) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(b) the interruption or discontinuance of essential services which:

(1) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit#; and

(2) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;

(c) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or

(d) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such

occupancy including, but not limited to, removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

For purposes of this definition, #dwelling unit#, #referral date# and #rooming unit# shall be defined as in Section 96-107.

Material alteration

"Material alteration" shall mean any alteration to a #multiple dwelling# including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling#, #converts# #floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

(a) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#; or

(b) a repair or replacement of existing elements of such #multiple dwelling# without materially modifying such elements.

For purposes of this definition, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

Mixed building

For the purposes of this Chapter, a "mixed building" is a #building# in a #Commercial District# used partly for #residential use# and partly for #community facility# or #commercial# #use#, or a #building# in a #Residence District# used partly for #residential use# and partly for #community facility use#.

Multiple dwelling

“Multiple dwelling” shall have the meaning set forth in the Multiple Dwelling Law.

96-02 - General Provisions

LAST AMENDED
7/16/2026

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

Wherever the #Special Clinton District# includes an area which also lies within the #Special Hudson River Park District#, the requirements of the #Special Hudson River Park District#, as set forth in Article VIII, Chapter 9, shall apply.

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

96-03 - District Map

LAST AMENDED
8/16/1990

The District Map for the #Special Clinton District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Clinton District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

Area A - PRESERVATION AREA, Section 96-10

Area B - PERIMETER AREA, Section 96-20

Area C - OTHER AREAS, Section 96-30

96-10 - PRESERVATION AREA

LAST AMENDED
12/5/2024

In the Preservation Area, the regulations of the underlying districts shall apply, except as modified in this Section, inclusive.

The provision of this Section shall apply to all #developments#, #enlargements#, #extensions# or alterations. All existing #buildings# within the Preservation Area shall be considered complying #buildings# for all purposes including, but not limited to, alterations, #enlargements#, #extensions# or #conversions# to #residential uses#. Any existing #building# which is damaged or destroyed by any means may be reconstructed to its #bulk# prior to such damage or destruction. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed, subject to the applicable underlying district regulations, pursuant to the change of #non-conforming# #use# provisions of Sections 52-31, 52-33, 52-34, 52-35 and 52-36.

96-101 - Floor area regulations

LAST AMENDED
12/5/2024

For any #zoning lot# within the Preservation Area, the #floor area ratio# for a #residential#, #commercial# or #community facility building#, or portions of a #mixed building# containing such #uses#, shall not exceed the following:

#Uses#	**#Floor Area Ratio#**

#Residential buildings# or #community facility buildings# or portions of #mixed buildings# containing #residential# or #community facility# #uses# for the following type of #residences# in R8, C1-5, C2-5 or C6-2 Districts:	
Standard #residences# or #community facility# #use#	4.2
#Qualifying affordable housing# or #qualifying senior housing#	5.04
#Commercial buildings# or #commercial# portion of #mixed buildings# in the following Districts:	
C1-5 C2-5	2.0
C6-2*	4.2

* In C6-2 Districts, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742 of the #Special Midtown District#, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building# or the #community facility# portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

96-102 - Yard regulations

LAST AMENDED

12/5/2024

The underlying #yard# regulations shall apply except that on a #through lot#, the alternative location allowances of paragraph (c)(2) of Section 23-343 (Rear yard equivalent requirements) shall not apply

96-103 - Height and setback regulations

LAST AMENDED
12/5/2024

The underlying height and setback regulations shall apply, except as modified in this Section, inclusive. All height shall be measured from #curb level#.

(a) #Street wall# location

For #zoning lots# with #wide street# frontage, the #street wall# provisions of paragraph (a) of Section 35-631 shall apply.

For #zoning lots# with #narrow street# frontage, the #street wall# provisions of paragraph (a) of Section 23-431 shall apply and extend along the entire #narrow street# frontage of the #zoning lot#.

(b) #Building# height

Within 100 feet of a #wide street#, the underlying height and setback regulations applicable to an R7A District shall apply. Beyond 100 feet of a #wide street# the underlying height and setback regulations applicable to an R8B District shall apply, except that the maximum base height set forth in Section 23-432 (Height and setback requirements) shall be modified to be 66

feet.

(c) The City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

In conjunction with such height and setback modifications, the Commission may allow modifications to other applicable #bulk# regulations of this Resolution. except #floor area ratio# regulations, for a #building# #developed# or #enlarged# using #public funding#, as defined in Section 27-111 (General definitions), to support #residences# with rents restricted pursuant to a regulatory agreement with a City, State, or Federal agency, provided that such #building# is located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility. In order to grant such special permit, the Commission shall find that:

(1) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;

(2) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;

(3) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and

(4) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.

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

96-104 - Dwelling unit regulations

LAST AMENDED
12/5/2024

(a) #Dwelling unit# distribution

The density provisions set forth in Section 23-52 (Maximum Number of Dwelling Units) shall apply. In addition, for #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, or alterations that create additional #dwelling units#, at least 20 percent of the #dwelling units# on the #zoning lot# shall contain two bedrooms. However, notwithstanding any provision to the contrary contained in this Section, the minimum 20 percent, two-bedroom unit requirement shall not apply to alterations which add a code-complying bathroom, pursuant to Section 27-2063 of the Housing Maintenance Code of the City of New York, to a #dwelling unit# which is publicly assisted (exclusive of any tax abatement or tax exemption program), and which is administered by a not-for-profit agent.

The City Planning Commission, by special permit, may modify the two-bedroom unit distribution requirement of this Section for an #affordable independent residence for seniors# or for a #residence# substantially for elderly persons with disabilities, under jurisdiction of a State or City agency, provided that the following findings are made:

(1) that such #residences# are sponsored by a voluntary non-profit organization;

(2) that the location and size of such facility does not create an undue concentration of #dwelling units# of this type and #community facilities# with sleeping accommodations within the immediate area;

(3) that there are social service, health and related programs for the residents including a maintenance and security plan;

(4) that on-site recreation areas for the use of the residents are provided; and

(5) that the proposed #residences# will not overburden existing public services in the neighborhood.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the #residential# character of the surrounding area.

(b) Special provisions for owner-occupied #buildings# containing #residences#

For alterations of #buildings# containing #residences#, where such #buildings# are owner-occupied and which contain four or fewer #dwelling units#, the #dwelling unit# distribution provisions of this Section shall not apply.

96-105 - Demolition of buildings

LAST AMENDED

12/5/2024

No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of #residential# #floor area# in a #building# shall be issued by the Department of Buildings for any #building# containing #dwelling units# within the Preservation Area, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

However, the City Planning Commission, by a special permit, may allow demolition of #buildings# containing #dwelling units# or #rooming units# other than unsafe #buildings# within the Preservation Area, provided that the Commission makes the following findings:

(a) that the existing #building#:

(1) is not eligible for rehabilitation under any active publicly aided program under which funds are available; or

(2) is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#.

(b) that prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the owner shall have notified the applicable governmental agency of its intention to demolish the #building#.

(c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110; and

(d) that an acceptable program for #development# of the #zoning lot# is submitted to the Commission which indicates that to the extent permitted by the provisions of Section 96-10 (PRESERVATION AREA), the number of new #dwelling units# to be constructed is at least

equal to the number of #dwelling units# to be demolished and that the #floor area# of the #development# containing #residences# is at least equal to the #floor area# of the #dwelling units# to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #use# proposed on the site prior to any construction is in conformance with the purposes of this Special District.

96-106 - Alterations of buildings

LAST AMENDED
12/5/2024

Prior to the issuance of an alteration permit by the Department of Buildings for a #material alteration# of a #multiple dwelling# within the Preservation Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings that:

(a) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Commissioner of his or her intention to alter the #building#; and

(b) the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-107.

However, a permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

(1) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or

(2) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

For the purposes of this Section, #dwelling unit# and #rooming unit# shall be defined as in Section 96-107.

96-107 - Harassment and cure

LAST AMENDED
8/14/2025

(a) Definitions

(1) Application date

"Application date" shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

(2) Cure compliance lot

"Cure compliance lot" shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. Each #cure compliance lot# shall be located entirely within the corresponding #cure requirement lot#.

(3) Cure requirement

"Cure requirement" shall mean #floor area# in an amount not less than the greater of:

(i) 28 percent of the total #residential# and #hotel# #floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or

(ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

#Cure requirement# shall also mean any cure for harassment that was approved by the City Planning Commission or the Department of Housing Preservation and Development and was permitted by the provisions of this Section prior to December 21, 2005.

(4) Cure requirement lot

"Cure requirement lot" shall mean:

(i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or

(ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(5) Dwelling unit

"Dwelling unit" shall have the meaning set forth in the Multiple Dwelling Law.

(6) Exempt hotel

"Exempt hotel" shall mean any #multiple dwelling#:

(i) which is a #transient hotel# and was a #transient hotel# on the #referral date#; and

(ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and

(iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(7) Exempt institutional residence

"Exempt institutional residence" shall mean any #multiple dwelling#:

(i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#; and

(ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(8) Inquiry period

"Inquiry period" shall mean a period which:

(i) commences 15 years prior to the #application date#; and

(ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

(a) set such commencement date upon any date which is on or after the #referral date#, and is more than 15 years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section; and

(b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(9) Low income housing

"Low income housing" shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than 80 percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(10) Referral date

"Referral date" shall mean September 5, 1973.

(11) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;

(ii) provides that the #low income housing# must comply with the requirements of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING) for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development;

(iii) contains such other terms as the Department of Housing Preservation and Development shall determine;

(iv) has been approved by the Department of Housing Preservation and Development;

(v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors;

(vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors; and

(vii) is perpetual in duration.

(12) Rooming unit

#Rooming unit# shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

(1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, no permit may be issued by the Department of Buildings pursuant to Sections 96-106 or 96-24, and no special permit may be granted by the City Planning Commission pursuant to Section 96-105.

(2) The following structures shall be exempt from the provisions of this Section:

(i) any city-owned #multiple dwelling#;

(ii) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;

(iv) any #exempt hotel#;

(v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and

(vi) any #exempt institutional residence#.

(3) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple

dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

(1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(2) There shall be a rebuttable presumption that #harassment# occurring within the #inquiry period# was committed by or on behalf of the owner of such #multiple dwelling# and that such #harassment#:

(i) was committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy; and

(ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.

(3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:

(i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application;

(ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development including, but not limited to, costs for publication of any notices;

(iii) establish the duration for which a #certification of no harassment# will remain effective; and

(iv) authorize the recission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such recission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.

(4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:

(i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#;

(ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or

(iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.

(5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such

application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.

(6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than 15 years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(8) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged #harassment#.

(7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.

(i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.

(ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of

Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

(8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been #harassment#, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

(1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

(2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

(i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.

(ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:

(a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and

(b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.

(iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(3) No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to Section 96-21 (Special Regulations for 42nd Street Perimeter Area); Section 96-22 (Special Regulations for

Eighth Avenue Perimeter Area); any #floor area ratio# increase provision of the #Special Hudson Yards District#, #Special West Chelsea District#; or requirements pursuant to Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING); or

(ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

96-108 - Off-street parking regulations

LAST AMENDED
12/5/2024

#Accessory# off-street parking spaces, #public parking lots# or #public parking garages# are not permitted within the Preservation Area except by the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces), inclusive.

In addition, the Commission shall find that:

(a) the property has been or will be vacated pursuant to the provisions of Section 96-108; and

(b) the applicant has followed the relocation procedures set forth in Section 96-24.

96-20 - PERIMETER AREA

LAST AMENDED
12/5/2024

Within the Perimeter Area, the underlying provisions shall apply except as modified in this Section, inclusive. Such #developments# or #enlargements# within the Perimeter Area shall be eligible for increased #floor area# only pursuant to Sections 96-21 (Special Regulations for 42nd Street Perimeter Area) or 96-22 (Special Regulations for Eighth Avenue Perimeter Area). Because of increased pressures for #development#, the relocation and demolition provisions of Section 96-24 (Relocation and Demolition of Buildings in the Perimeter Area) shall apply therein for all demolition, #development#, #enlargement# or #extensions# on lots containing #residential uses#. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed to another #non-conforming# #use# only in accordance with the provisions of Sections 52-31 (General Provisions), 52-33 (Manufacturing or Related Uses in Residence Districts), 52-34 (Commercial Uses in Residence Districts), 52-35 (Manufacturing or Related Uses in Commercial Districts) and 52-36 (Non-conforming Commercial Uses in Commercial Districts).

96-21 - Special Regulations for 42nd Street Perimeter Area

LAST AMENDED
12/5/2024

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

> Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd

Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

(a) Special #use# regulations

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, the following special #use# regulations shall apply:

(1) Offices

Any #development# or #enlargement# that includes #uses# listed under Offices in Use Group VII #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(2) Automobile showrooms and repairs

In Subarea 1, on the #block# bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street, automobile dealers listed under Use Group VI may be permitted within a #completely enclosed building#, below the level of any floor occupied by #dwelling units#, and such establishments may include repair services or preparation of automobiles for delivery, provided that:

(i) access for automobiles to the portions of the #building# to be used for vehicle storage, preparation of automobiles for delivery, and automobile repairs shall be located on West 43rd Street;

(ii) areas within the #building# used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for #accessory# parking for

other uses on the #zoning lot#; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an #accessory# #group parking facility#; and

(iii) the portions of the #building# used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a #cellar# level.

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

(2) #Floor area# regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, for #zoning lots# containing #developments# or #enlargements# with #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential floor area ratio# shall be 12.0, and where such maximum #residential floor area ratio# is achieved, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Theater Use).

Any #development# or #enlargement# on a #zoning lot# that includes the area bounded

by a line 129 feet east of and parallel to Tenth Avenue, West 42nd Street, a line 184 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 42nd Street shall provide an easement or other agreement for public access to the subway mezzanine or station, as illustrated on the District Map in Appendix A of this Chapter.

An instrument establishing such transit easement or other agreement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

Floor space within the volume governed by such transit easement or other agreement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Metropolitan Transportation Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the volume governed by such transit easement or other agreement for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the volume area is required. A minimum notice of six months in writing shall be given by the Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station on the tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of this Chapter.

(c) Retail continuity requirements

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 West 42nd Street, between Ninth and Twelfth Avenues shall be considered #Tier C street frontages#

(d) #Street wall# continuity requirements

The #street wall# location provisions of paragraph (b)(2) of Section 23-431 shall apply except that, the #street wall# shall extend up to minimum height of 45 feet above #curb level# or the height of the #building#, whichever is less, and no more than 85 feet. Above this required height, the #street wall# of a #building# shall set back at least five feet. The requirements of this paragraph shall also apply to any #building# on a #wide street# frontage within a distance of 50 feet from its intersection with West 42nd Street.

(e) Pedestrian circulation space

Within Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, pedestrian circulation space shall be provided in accordance with the provisions of Section 37-50. In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

(f) Special curb cut and parking provisions

No curb cuts shall be permitted on 42nd Street. The parking provisions of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section 93-80 (OFF-STREET PARKING REGULATIONS), except that such parking provisions shall not apply to any #development# or #enlargement# for which a special permit was granted prior to January 19, 2005.

Any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004, shall comply with either the parking regulations in effect at the time the permit was issued, or the provisions of this paragraph (f).

96-22 - Special Regulations for Eighth Avenue Perimeter Area

LAST AMENDED
12/5/2024

Within the Eighth Avenue Perimeter Area, the following provisions shall apply:

(a) For #qualifying transit improvement sites#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

(b) All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Sections 81-21 (Floor Area Ratio Regulations) and 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT).

96-23 - Special Permit for Modification of Height and Setback Regulations

LAST AMENDED
2/2/2011

Except within the Eighth Avenue Perimeter Area set forth in Section 96-22, the City Planning Commission, by special permit, may permit modification of height and setback regulations for #developments# or #enlargements# which have generated an increase in the #floor area ratio# of not more than 2.0 under the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area), provided that such modification is necessary to achieve better site planning.

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

96-24 - Relocation and Demolition of Buildings in the Perimeter Area

LAST AMENDED3/3/2026

Prior to the issuance by the Department of Buildings of a demolition permit or a permit for any #development#, #enlargement# or #extension# on any #zoning lot# containing #residential uses# within the Perimeter Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings:

(a) that prior to evicting or otherwise terminating the occupancy of any tenant in connection with vacating any #building#, the developer shall have notified the Department of Housing Preservation and Development of plans for the relocation of tenants which shall:

(1) to the extent possible provide for the relocation of tenants within the Clinton District; and

(2) provide for the satisfaction of all the requirements for the issuance of a certificate of eviction under applicable rent control and rent stabilization regulations of the State of New York; and

(b) that the developer has complied with the relocation plan submitted pursuant to paragraph (a) of this Section and that the Department of Housing Preservation and Development has issued a #certification of no harassment#, or that the owner has complied with paragraph (d) of Section 96-107.

96-25 - Floor Area Bonus for New Theater Use

LAST AMENDED
12/5/2024

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# with #qualifying affordable housing# or #qualifying senior housing# located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue, the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space," which, for the purposes of this Section, shall mean space to be used as a legitimate theater or for non-profit performing arts use. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, after referral for review and receipt of recommendations from the applicable Community Board, that the following conditions have been met:

(a) all #floor area# for any performance space for which a bonus is received pursuant to this Section, shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, ticket offices, restrooms and circulation space. Any other use of the bonused performance space shall not comprise more than 25 percent of the total #floor area# of such performance space;

(b) such performance space shall be designed, arranged and used for live performances and rehearsals of drama, music or dance and shall have at least 100 and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats, and adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats. Performance space for which a bonus is received pursuant to this Section, shall only be used for non-profit performing arts use provided the #development# or #enlargement# contains at least two performance spaces used exclusively for performances of legitimate theater;

(c) a letter from the Department of Cultural Affairs shall be submitted, certifying that:

(1) a signed lease has been provided from the prospective operator of the performance space, or a written commitment from the owner of the performance space if such owner is also the operator, for occupancy of the performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;

(2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;

(3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural

and mechanical systems, as necessary to ensure that such performance space will operate efficiently for its intended use;

(4) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and

(5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.

(d) a legal commitment has been provided for inspection and ongoing maintenance of the performance space to ensure its continued availability for #use# as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs and the applicable Community Board. Such report shall describe the condition of the performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(e) a legal commitment has been provided for continuance of the #use# of all #floor area# in the bonused performance space as legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraphs (c)(1), (c)(2) and (c)(3) of this Section have been met as to the proposed operator and, where substantial renovation of the performance space, as defined by the Commissioner of the Department of Cultural Affairs, is being proposed in conjunction with the change of operator, that the provisions of paragraphs (c)(3) and (c)(4) of this Section have been met as to such substantial renovation. Any application or submission with respect to a change in operator made pursuant to the provisions of such legal commitment, shall be

referred to the affected Community Board. The Commissioner of the Department of Cultural Affairs shall not issue a letter with respect to such application prior to 45 days after such referral. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development# or #enlargement#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the performance space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson under the terms of such declaration, and receipt of a certified copy of such declaration, shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the performance space is substantially complete, which shall, for this purpose, mean that such performance space is usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for the #development# or #enlargement#, until the performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

Notwithstanding the foregoing, the Chairperson of the City Planning Commission may accept a declaration of restrictions or in the case of a certification issued by the Chairperson prior to January

28, 2009, a modified declaration of restrictions, which shall allow the owner to apply for and accept, and the Department of Buildings to issue, temporary and permanent certificates of occupancy for the portion of the #development# or #enlargement# which utilizes the increased #floor area# permitted pursuant to this Section prior to substantial or final completion of the performance space, as the case may be, provided that, under the terms of such declaration of restrictions or modified declaration of restrictions, the owner shall not apply for or accept temporary certificates of occupancy for any such portion of the #development# or #enlargement# unless and until the Commissioner of the Department of Cultural Affairs has certified that the core and shell of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner, and that ownership of the performance space has been transferred to the prospective operator.

In the event of a transfer of ownership of the performance space, certification pursuant to paragraph (c)(1) of this Section, shall not require the provision of the signed lease or written commitment described therein, and the operating plan and program for the performance space shall be provided by the prospective owner.

Any application for certification of a #floor area# bonus for theater #use#, pursuant to this Section, shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Chairperson of the City Planning Commission shall not grant any such certification prior to 45 days after such referral.

96-30 - OTHER AREAS

LAST AMENDED
5/14/2014

In Area C, the regulations of the underlying districts shall apply, except as otherwise set forth in this Section, inclusive. The boundaries of Northern Subarea C1 and Western Subarea C2 are shown on the District Map in Appendix A of this Chapter.

96-31 - Special Regulations in R8 Districts

LAST AMENDED
12/5/2024

(a) In R8 Districts, other than R8A Districts, in Western Subarea C2, including #Commercial Districts# mapped within such R8 Districts, the provisions of Sections 96-101 (Floor area regulations) and 96-102 (Height and setback regulations) shall apply.

(b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, electrical utility substations, listed under Use Group IV(B), operated for public utility purposes, existing on June 14, 2011, and located wholly or partially within the portion of Western Subarea C2 east of Eleventh Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

96-32 - Special Regulations in R9 Districts

LAST AMENDED
12/5/2024

In R9 Districts in Western Subarea C2, including #Commercial Districts# mapped within R9 Districts, the underlying provisions shall apply except as modified in this Section, inclusive.

(a) Special #bulk# regulations

The maximum #residential# #floor area ratio# shall be 6.66 for #zoning lots# containing standard #residences# or 8.0 for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#. Additionally, the height and setback provisions applicable to R9A Districts shall apply to all #buildings or other structures#.

(b) #Uses# in Western Subarea C2 located within a #large-scale general development#

In a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses# without any size limitations:

From Use Group VI

Automotive repair and maintenance

Building material and supplies dealers

From Use Group VIII

Production or entertainment studios

From Use Group X

Theatrical scenery manufacturing, included in other miscellaneous manufacturing.

The supplemental #use# provisions of Section 32-421 (Limitations on floors occupied by commercial uses) shall not apply to #commercial# #uses# located in a #building# with frontage on West 52nd Street.

96-33 - Special Regulations in M2-4 Districts

LAST AMENDED
6/14/2011

96-331 - Adult establishments

LAST AMENDED
6/14/2011

The provisions of Section 52-77 (Termination of Adult Establishments) shall not apply to any #adult establishment# that located within the #Special Clinton District# after October 25, 1995, and prior to May 11, 2011, and which, as of May 11, 2011, and June 14, 2011, was an existing #use# and conformed to all provisions of Section 42-01 (Special Provisions for Adult Establishments) applicable to M2-4 Districts.

96-332 - Height and setback

LAST AMENDED
6/14/2011

In M2-4 Districts in Western Subarea C2, the underlying height and setback regulations shall apply as modified by the following special #bulk# regulations.

For all #buildings or other structures#, the #street wall# of a #building# shall rise without setback to a minimum base height of 50 feet, or the height of the #building#, whichever is less, and a maximum base height of 95 feet. No portion of a #building# shall exceed a height of 135 feet and no #sky exposure plane# shall apply.

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height.

On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at

points 15 feet from their intersection.

96-34 - Special Regulations in Northern Subarea C1

LAST AMENDED
12/5/2024

Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

(a) automobile dealers listed under Use Group VI with preparation of automobiles for delivery; and

(b) automobile repair and maintenance listed under Use Group VI.

96-40 - MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS

LAST AMENDED
12/5/2024

For parcels within the #blocks# bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, within a #general large-scale development# that occupies #zoning lots# on more than one #block#, the City Planning Commission may permit the modification of #open space# required pursuant to Section 23-732 (Floor area and open space ratios in R6 through R9 Districts), as part of a special permit, pursuant to Section 74-743 (Special provisions for bulk modification),

provided the Commission finds that:

(a) the amount of #open space# provided is sufficient to meet the needs of the residents of the #general large-scale development#; and

(b) such modification results in improved site planning.

96-50 - REGULATIONS APPLICABLE TO ALL AREAS

LAST AMENDED
2/2/2011

The provisions of Sections 96-51 (Mandatory Tree Planting Provisions) and 96-52 (Bulk Modifications for Public Parking Garages) shall apply to all areas within the Special District.

96-51 - Mandatory Tree Planting Provisions

LAST AMENDED
6/6/2024

In addition to the applicable underlying #street# tree planting requirements, tree planting provisions shall also apply to #extensions# or alterations, other than #incidental alterations#, involving 30 percent or more of the existing #floor area# of a #building#. For #uses# listed under Use Groups IV(B), IX(B), or X, the #street# tree planting requirements of Section 26-41 (Street Tree Planting)

shall apply.

96-52 - Bulk Modifications for Public Parking Garages

LAST AMENDED
1/19/2005

Except within the Eighth Avenue Perimeter Area set forth in Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area), in all other C6 Districts, the City Planning Commission, by special permit, may permit, for #public parking garages#, modification of the applicable #lot coverage#, #yard# and height and setback regulations. As a condition of permitting such modifications, the Commission shall make the following findings:

(a) that, because of site limitations, such modifications are necessary for the proper design and operation of the #public parking garage#; and

(b) that, such modifications will not unduly obstruct access to light and air in the #street# or on adjacent #zoning lots#.

The Commission shall consider the characteristics of surrounding development and may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of adjacent areas.

96-60 - SPECIAL PERMIT PROCEDURE

LAST AMENDED
11/21/1974

96-601 - Requirements for applications

LAST AMENDED
6/6/2024

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter, shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

Notwithstanding the foregoing, in the Eighth Avenue Perimeter Area, all applications made pursuant to the #Special Midtown District# shall be subject to the guidelines and provisions of Article VIII, Chapter 1 (Special Midtown District), instead.

All applications relating to Section 96-110 (Off-street parking regulations) shall be referred by the Commission to the Department of Transportation for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location.

If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issues referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

96-602 - Relationship to public improvement projects

LAST AMENDED
2/2/2011

In all cases, the City Planning Commission shall deny a special permit application whenever the #development# or #enlargement# will interfere with a public improvement project, including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities, which is approved by, or pending before, the Board of Estimate or City Planning Commission, as determined from the Calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

96-70 - SPECIAL PERMITS PREVIOUSLY AUTHORIZED

LAST AMENDED
11/21/1974

Whenever, under the provisions of the Special Clinton Interim District or any prior zoning regulation, the City Planning Commission has authorized any special permit, the status of such special permit shall not be altered by the provisions of this Chapter.

96-80 - EXCLUDED AREAS

LAST AMENDED
6/6/2024

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

(a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, provided that in this area the provisions of Sections 96-40 (MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS), 96-51 (Mandatory Tree Planting Provisions) and 96-81 (C6-3X Districts) shall apply.

In addition, for parcels in C6-3X Districts, bounded by West 53rd Street, Tenth Avenue, West 54th Street and Eleventh Avenue, the following shall be permitted #uses# below the level of any floor occupied by #dwelling units#:

(1) automobile dealers listed under Use Group VI with preparation of automobiles for delivery;

(2) automotive repair and maintenance listed under Use Group VI; and

(3) riding academies or stables listed under Use Group VIII.

For a #building# that, at the time of approval by the Department of Buildings, included space designed for stable use for riding academies or stables with a ceiling height in excess of 23 feet, as measured from the #base plane#, then any floor space occupied by #accessory# parking located on the floor immediately above shall be exempted from the definition of #floor area#.

(b) the block bounded by West 49th Street, Eighth Avenue, West 50th Street and Ninth Avenue which was the site of the former Madison Square Garden;

(c) property bounded by West 45th Street, the easterly right-of-way of the Amtrak Empire Line, West 44th Street and Eleventh Avenue;

(d) the block bounded by West 42nd Street, Ninth Avenue, West 43rd Street and Tenth Avenue; or

(e) property bounded by West 56th Street, Ninth Avenue, West 57th Street and a line 200 feet west of Eighth Avenue.

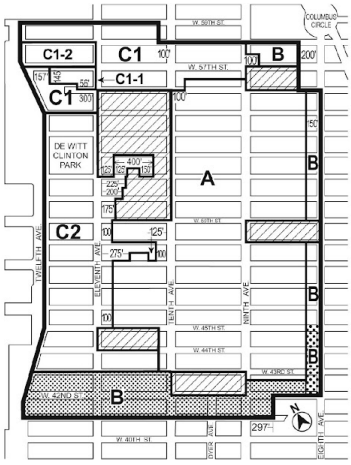
96-81 - C6-3X Districts

LAST AMENDED
12/5/2024

In C6-3X Districts in Excluded Areas, the underlying regulations shall apply except that the maximum #residential# #floor area ratio# shall be 7.5 for #zoning lots# containing standard #residences#, or 9.0 for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

Appendix A - Special Clinton District Map - (96A)

LAST AMENDED9/14/2016



Special Clinton District Boundary

Area Boundary

A Preservation Area

B Perimeter Area

B Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (**See map below**)

B Portion of Perimeter Area B also subject to Article VIII, Chapter I (*Special Midtown District*)

C Other Areas

C1 Northern Subarea

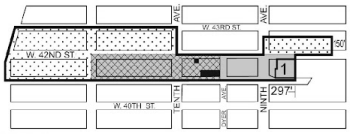
C1-1 Special Use Regulations Area

C1-2 Special Use Regulations Area

C2 Western Subarea

Excluded Area

42nd Street Perimeter Area

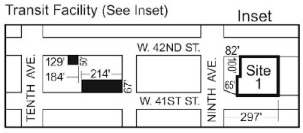


Subarea 1 of 42nd Street Perimeter Area

Subarea 2 of 42nd Street Perimeter Area

Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

Site 1 Where Special Parking Regulations apply (See Inset)

Transit Facility (See Inset)

Inset