**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 13-33 - Modification of Loading Berth Requirements

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## 13-33 - Modification of Loading Berth Requirements

LAST AMENDED
6/6/2024

The provisions of Sections 25-75 (Location of Access to the Street), 36-63 and 44-53 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall be modified to allow the Commissioner of Buildings to reduce or waive the applicable loading berth requirements, provided that:

(a) the #zoning lot# only has frontage upon a #street#, or portion thereof, where curb cuts or entrances and exits to #accessory# off-street loading berths are not permitted;

(b) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are otherwise permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:

(1) a #building#, existing on May 8, 2013, containing #residences#;

(2) a #non-residential building#, existing on May 8, 2013, that is three or more #stories# in height; or

(3) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or

(c) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

In the case of paragraph (c), as set forth in this Section, the Commissioner shall require a loading berth of not less than 33 feet in depth, if such a berth can be accommodated in consideration of the relevant

site restraints. The Commissioner of Buildings may request reports from licensed engineers or registered architects in considering such reduction or waiver.