Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

73-62 - Modification of Bulk Regulations for Buildings Containing Residences

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73-62 - Modification of Bulk Regulations for Buildings Containing Residences

LAST AMENDED
2/2/2011

73-621 - Enlargement, change of use, or extension within buildings containing residential uses

LAST AMENDED
2/2/2011

For a complying or #non-complying# #building# existing on December 15, 1961, or in R2X, R3, R4 or R5 Districts on June 30, 1989, and containing #residential uses#, the Board of Standards and Appeals may permit an #enlargement#, a change of #use# or (in the case of a #mixed building#) an #extension#, provided that such #enlargement#, change of #use# or #extension# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In the districts and for the #buildings# for which an #open space ratio# is required, the #open space ratio# permitted under this Section shall not be less than 90 percent of the #open space ratio# required under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In the districts and for the #buildings# to which a maximum #lot coverage# applies, the maximum #lot coverage# permitted under this Section shall not exceed 110 percent of the maximum #lot coverage# permitted under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under such regulations by more than 10 percent. In R2X, R3 or R4 Districts, the additional #floor area# permitted pursuant to this Section may be computed using a base #floor area ratio# including the #floor area# permitted under a sloping roof with a structural headroom between five and eight feet

when such space is provided in the #building#.

73-622 - Bulk modifications for certain residential buildings on irregular sites

LAST AMENDED
12/5/2024

For #developments# or #enlargements# of #buildings#, except #sky exposure plane buildings#, in which at least 50 percent of the #dwelling units# either comply with the definition of "affordable housing unit" set forth in Section 27-111 (General definitions), or have a legally binding restriction limiting rents to households with incomes at or below 80 percent of the #income index#, as prescribed by a City, State or Federal agency, law regulation, or regulatory agreement, for a period of not less than 30 years, or at least 50 percent of its total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the Board of Standards and Appeals may modify the underlying #bulk# regulations, other than #floor area ratio# or the maximum height of #buildings# or other #structures#, and provided that the Board finds that:

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or topographical features that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

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

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

(e) the requested modification is the least amount necessary to relieve such practical difficulties.

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

73-623 - Reduction or modification of Mandatory Inclusionary Housing requirements

LAST AMENDED
12/5/2024

For a #development#, #enlargement# or #conversion# subject to the provisions of paragraph (a)(3), inclusive, of Section 27-131 (Mandatory Inclusionary Housing), the Board of Standards and Appeals may, upon determining that a hardship that is specifically created by the requirements of such Section exists, modify the income levels specified for #qualifying households#, reduce the amount of #affordable floor area# required or reduce the amount of a payment into the #affordable housing fund#, provided the Board finds that:

(a) the applicant has applied for any appropriate relief for which such #development#, #enlargement# or #conversion# is eligible for any financial hardship or practical difficulty not specifically created by the requirements of Section 27-131, paragraphs (a)(3)(i) through (a)(3)(v) and (a)(5);

(b) such requirements for #affordable housing# or a contribution to an #affordable housing fund# create an unnecessary hardship, with no reasonable possibility that a #development#, #enlargement# or #conversion# on the #zoning lot# in strict compliance with the provisions of

Section 27-131, paragraphs (a)(3)(i) through (a)(3)(v) and (a)(5), and Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, will bring a reasonable return, and that a modification or reduction of these requirements is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; and

(c) the unnecessary hardship claimed as a basis for such modification or reduction has not been created by the owner or by a predecessor in title.

In determining whether a hardship exists, the Board shall consider whether alternative permitted #uses#, or alternative forms of housing tenure would bring a reasonable return from the #zoning lot#.

The Board may modify #affordable housing# requirements set forth in Section 27-131, paragraphs (a)(3)(i) through (a)(3)(iv) and (a)(5), to permit appropriate relief as follows.

First, the Board shall determine whether compliance with the requirements of Option 1, Option 2 or Option 3, as set forth in Section 27-131, paragraphs (a)(3)(i), (a)(3)(ii) and (a)(3)(iii), respectively, where not otherwise permitted, provides sufficient relief.

If the Board does not so find, the Board shall next determine whether compliance with the requirements of Option 4, as set forth in Section 27-131, paragraph (a)(3)(iv), where not otherwise permitted, provides sufficient relief.

If the Board does not so find, the Board, in consultation with the Department of Housing Preservation and Development, shall determine a modification or reduction of the requirements of Section 27-131, paragraph (a)(3)(i) through (a)(3)(iv) and (a)(5), that represents the minimum necessary modification or reduction to afford relief.

In addition, the Board, in consultation with the Department of Housing Preservation and Development, may permit a modification or reduction of the requirements of Section 27-131, paragraph (a)(3)(v) that represents the minimum necessary modification or reduction to afford relief.

A copy of each application to the Board for a special permit under the provisions of this Section shall be provided by the applicant to the Department of Housing Preservation and Development concurrently with its submission to the Board. Before the Board issues a final determination on any application made pursuant to this Section, #HPD# shall submit comment or appear before the Board regarding such application.

A special permit pursuant to this Section shall lapse after a term of four years, pursuant to Section 73-70 (LAPSE OF PERMIT). When considering an application for renewal of a special permit pursuant to paragraph (f) of Section 73-03 (General Findings Required for All Special Permit Uses and Modifications), the Board shall consult with #HPD# in determining whether the circumstances warranting the original grant of such permit still obtain, and may renew, modify, or deny the application for renewal, as appropriate.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community at large.

73-624 - Modification of Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District and the Special Midtown South Mixed Use District

LAST AMENDED
8/14/2025

Within the #Special SoHo-NoHo Mixed Use District# and the #Special Midtown South Mixed Use District#, for #conversions# from non-#residential# to #residential use# in #buildings# existing prior to December 15, 2021, that are not otherwise subject to paragraph (a)(3)(v) of Section 27-131 (Mandatory Inclusionary Housing), the Board of Standards and Appeals may permit a contribution to the #affordable housing fund# pursuant to such paragraph to satisfy the requirements of paragraph (a)(3), inclusive, of such Section, provided that the Board finds that:

(a) the configuration of the #building# imposes constraints, including, but not limited to, deep, narrow or otherwise irregular #building# floorplates, limited opportunities to locate #legally required windows#, or pre-existing locations of vertical circulation or structural column systems, that would create practical difficulties in reasonably configuring the required #affordable floor area# into a range of apartment sizes and bedroom mixes serving a number of lower-income residents comparable to what such quantity of #affordable floor area# would serve in a more typical configuration, pursuant to the #guidelines# of the Inclusionary Housing Program. Before the Board issues a final determination on any application made pursuant to this Section, the Department of Housing Preservation and Development shall submit comment or appear before the Board regarding this finding;

(b) the practical difficulties existed on December 15, 2021.

For the purposes of this Section, defined terms include those set forth in Sections 12-10 and 27-11.

A copy of each application to the Board for a special permit under the provisions of this Section shall be provided by the applicant to the Department of Housing Preservation and Development concurrently with its submission to the Board.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community at large.