Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

62-132 - Applicability of Article VII, Chapters 4, 5, 8 and 9

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LAST AMENDED
12/5/2024

The following special permits by the City Planning Commission shall not be applicable on #waterfront blocks#:

Section 74-72 (Bulk Modification)

Section 74-75 (Educational Construction Fund Projects)

Section 74-81 (Through Block Arcades)

Section 74-83 (Developments with Existing Buildings)

Section 74-85 (Covered Pedestrian Space).

The following special permits and authorizations by the City Planning Commission shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 74-195 (Public parking garages or public parking lots in high density central areas) shall be applicable, subject to the provisions of Section 62-26 (Special Use Regulations for Public Parking Facilities) and the special permit provisions of Section 62-836 (Public parking facilities on waterfront blocks); and

Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities) shall be applicable, except that finding (d), relating to roof parking, shall not apply. In lieu thereof, the provisions of Sections 62-411 (Accessory residential roof parking) and 62-421 (Accessory non-residential roof parking) shall apply;

Section 74-711 (Landmark preservation in all districts) shall be applicable, except that #bulk# modification shall also include modification of public access or #visual corridor# requirements. However, in no event shall modification of paragraph (a) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) be permitted;

Section 74-74 (Large-scale General Development);

Sections 74-79 (Transfer of Development Rights From Landmark Sites) and 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites) shall be applicable, except that permissible modifications shall also include all #bulk# regulations set forth in Section 62-30 (SPECIAL BULK REGULATIONS), except for paragraph (a) of Section 62-31 and maximum #floor area ratio# for the applicable district set forth in Section 62-32 (Floor Area Regulations on Waterfront Blocks). Modifications may also include public access and #visual corridor# requirements set forth in Sections 62-50 and 62-60;

Section 78-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE RESIDENTIAL DEVELOPMENTS); and

Section 79-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE COMMUNITY FACILITY DEVELOPMENTS).

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

(a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be

deemed to be located entirely within the #waterfront area#.

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks).

For the purposes of modifying the height and setback regulations of Section 62-34, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32, inclusive. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section 23-372 (Distance between legally required windows and lot lines).