Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

74-60 - PUBLIC SERVICE OR TRANSPORTATION FACILITIES

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74-60 - PUBLIC SERVICE OR TRANSPORTATION FACILITIES

LAST AMENDED
12/15/1961

74-61 - Developments on Lots that Include Railroad Right-of-Ways

LAST AMENDED
12/5/2024

The City Planning Commission may permit a #development# or #enlargement# on a #zoning lot# that includes either a #railroad right-of-way# or a #former railroad right-of-way# where the #lot area# is one and a half acres or greater, and may include a #railroad right-of-way# that would otherwise be considered a #block# boundary in the #lot area# of such #zoning lot#, provided the Commission finds that:

(a) the distribution of #floor area# on the #zoning lot# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#; and

(b) where the #zoning lot# includes a #former railroad right-of-way# and a transportation agency has a plan to use such tract of land for transportation purposes, the site plan does not preclude future improvements to facilitate such transportation purposes. The Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any such plans.

On #zoning lots# of any size that require a certification pursuant to Section 75-411 (Developments on or over railroad rights-of-way), the Commission may permit the establishment of an appropriate level or levels instead of #curb level#, #base plane#, or other applicable reference plane, as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#.

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

74-62 - Developments Over Streets

LAST AMENDED
6/6/2024

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State-enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air space, the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

In order to grant such special permit, the Commission shall find:

(a) for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on-site and in the area; and

(b) for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning# #lot lines#, provided that such loading berths shall be:

(1) adequate to serve the requirements of the institution;

(2) accessible to all the #uses# in such institution without the need to cross any #street# at grade; and

(3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.