Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

74-90 - ADDITIONAL PERMITS

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74-90 - ADDITIONAL PERMITS

LAST AMENDED
6/6/2024

74-901 - Bulk modifications for laboratories

LAST AMENDED
6/6/2024

In #Residence Districts# and #Commercial Districts#, the City Planning Commission may permit, in conjunction with a laboratory listed under Use Group VII, modifications to #bulk# regulations, other than #floor area ratio#, provided that the following findings are met.

In order to grant the special permit, the Commission shall find that the proposed #bulk# modifications:

(a) will not unduly affect the essential character or impair the future use and development of the surrounding area; and

(b) will not unduly obstruct the access of light and air to adjoining properties or public #streets#.

74-902 - Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

LAST AMENDED
6/6/2024

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#, #extension# or #enlargement# or change of #use# involving any #community facility uses# listed in Use Group III permitted as-of-right pursuant to the provisions of Sections 22-13, or #long-term care facilities# for which a special permit has been granted pursuant to Section 74-131, the City Planning Commission may permit the allowable #community facility# #floor area ratio# and #lot coverage# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

(a) that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;

(b) that the architectural and landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography and the surrounding area;

(c) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and

(d) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require where necessary off-street parking facilities and #accessory# off-street loading berths beyond the amount required by the district regulations.

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

74-903 - Certain community facility uses in R3 to R12 Districts and certain Commercial Districts

LAST AMENDED
3/22/2016

The City Planning Commission may permit the #community facility# #floor area ratio# and the #community facility# #bulk# provisions to apply to a #development#, #extension# or #enlargement#, or change of #use# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as set forth in paragraph (a), provided that the findings in paragraph (b) of this Section are met.

(a) The Commission may permit:

(1) in R3 through R9 Districts, or in C1 or C2 Districts mapped within an R3 through R9 District or #Commercial Districts# with an R3 through R9 District residential equivalent, the #community facility# #floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #buildings# containing philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group III;

(2) in R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C3A Districts, the #community facility# #floor area ratio# of Section 24-11 to apply to #buildings# containing #long-term care facilities#, as listed in Use Group III;

(3) in R3-2 Districts, or R4 or R5 Districts without a letter or number suffix, or in C1 or C2 Districts mapped within an R3-2 District or within an R4 or R5 District without a letter suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 4, Article III, Chapter 3, or Article III,

Chapter 5, as applicable, and the #community facility# #floor area ratio# of Section 24-11, to apply to #buildings# containing #long-term care facilities#; or

(4) in R6 through R12 Districts without a letter suffix, and in #Commercial Districts# mapped within, or with a #residential equivalent# of such districts, the #bulk# regulations of Article II Chapter 4, Article III, Chapter 3 or Article III, Chapter 5, as applicable, and the #community facility# #floor area ratio# of Section 24-11, as applicable, to apply to #buildings# containing #long-term care facilities#.

(b) In order to grant such a special permit for #community facility# #floor area ratio# or #community facility# #bulk#, as applicable, the Commission shall find that:

(1) the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;

(2) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and

(3) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

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

74-904 - Non-profit or voluntary hospitals in R9 or R10 Districts and certain Commercial Districts

LAST AMENDED
8/14/2025

For a #zoning lot# occupying an entire #block# located in an R9 or an R10 District, or in #commercial districts# mapped within, or with a #residential equivalent# of an R9 or an R10 District, partially within the #Special Park Improvement District#, and containing a non-profit or voluntary hospital and related facilities, as listed in Use Group III(B), the City Planning Commission may, by special permit, allow the modifications set forth in paragraph (a) of this Section, provided the conditions set forth in paragraph (b) and findings set forth in paragraph (c) are met.

(a) The Commission may allow an increase in the maximum #community facility# #floor area ratio# by up to a maximum of 20 percent. A #floor area# bonus pursuant to this Section may be used in combination with a #floor area# bonus permitted pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), and the combination of such bonuses may exceed 20 percent of the maximum #floor area ratio# otherwise permitted.

In connection with such #floor area# bonus, the Commission may allow modifications to applicable #bulk# regulations.

(b) In order to grant a special permit pursuant to this Section, the following conditions shall be met:

(1) a minimum #floor area# of 95 percent of any #development# or #enlargement# on such #zoning lot# will be allocated to such hospital #use#;

(2) the bonus #floor area# allowed pursuant to this Section shall be exclusively allocated to such hospital #use#; and

(3) the amount of #floor area# to be located on the portion of such #zoning lot# within the #Special Park Improvement District# shall not exceed a #floor area ratio# of 10.0.

(c) In order to grant a special permit pursuant to this Section, the Commission shall find that:

(1) the public benefit derived from such proposed hospital #development# or #enlargement# merits the additional #floor area# being granted pursuant to this special permit;

(2) where #bulk# modifications are utilized, such modifications will provide a more satisfactory physical relationship to existing hospital #buildings or other structures# on the #zoning lot#, and facilitate a more efficient and integrated site plan; and

(3) where #bulk# modifications are utilized, the distribution of #bulk# on the #zoning lot# will result in a satisfactory site plan and urban design relationships of #buildings or other structures# to adjacent #streets# and the surrounding area.

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

74-91 - Modification of Public Plazas

LAST AMENDED
12/5/2024

In all districts, the City Planning Commission may permit modification of the provisions of Section 37-70 (PUBLIC PLAZAS) affecting the eligibility of #public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections 23-22 (Floor Area Regulations for R6 through R12), 24-14 or 33-13 (Floor Area Bonus for a Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #public plaza# will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #public plazas# to surrounding #buildings# and open areas.

74-92 - Bulk Modifications for Museums in M1-5 Districts

LAST AMENDED
6/6/2024

For a #building# containing a museum listed under Use Group III(B), in an M1-5 District, on a #zoning lot# over which the High Line (as defined in Section 98-01) passes, the Commission may modify height and setback regulations, provided that such modifications:

(a) provide a better distribution of #bulk# on the #zoning lot#;

(b) result in a better relationship of the #building# to open areas including the High Line, adjacent #streets# and surrounding properties;

(c) provide adequate light and air for #buildings# on the #zoning lot# and do not adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties; and

(d) result in a #building# containing a museum #use# that facilitates the public's use and enjoyment of the High Line.

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

74-93 - Special Commercial or Mixed Use Developments in Commercial Districts

LAST AMENDED
6/6/2024

Within the boundaries of Community District 6, Borough of Queens, for #commercial# or #mixed use# #developments# or #enlargements# on two or more #zoning lots# in more than one #block#, which #zoning lots#, as defined in Section 12-10, each have single fee ownership or equivalent ownership arrangements for all lots comprising the #development# or #enlargement#, which are contiguous or would be contiguous but for their separation by a #street#, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

(a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #uses# proposed;

(b) any closed and demapped air space above a #street# to be considered as a part of the #development# or #enlargement# and to be used for automobile ways, or for pedestrian ways, provided the Commission finds that:

(1) each bridge over the #street# bed utilizes only unused #floor area# from an adjoining #zoning lot# within the #development# or #enlargement# and that no #floor area# credit is generated from the demapped air space;

(2) each bridge adjoins #zoning lots# which are wholly within the #development# or #enlargement#;

(3) the #curb levels# of the adjoining #zoning lots# are not affected by the closing and demapping of such air space;

(4) all #street# frontages of the #zoning lots# under each bridge are provided with satisfactory lighting; and

(5) a landscaped open, covered or enclosed space for public use at #street# level, linked with the pedestrian circulation system, is provided in one location within the #development# or #enlargement#, which open, covered or enclosed space is at least equivalent to the #street# area covered by the bridges, has a minimum area of 20,000 square feet and is maintained with planting and seating facilities, by the owner of the #development# or #enlargement# or his designee, said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;

(c) automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such #use# is an integral part of the permitted principal #use#; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair

establishments; or automobile fuel service stations;

(d) modification of applicable #bulk# regulations by permitting the total permitted #floor area# for all #zoning lots# within such #development# or #enlargement# to be distributed without regard to #zoning# #lot lines# and permitting the location of #buildings# without regard for the applicable height and setback regulations, provided the Commission finds that:

(1) such distribution of #floor area# and location of #buildings# will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and

(2) such distribution of #floor area# and location of #buildings# will permit adequate access of light and air to surrounding #streets# and properties; and

(e) modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

The Commission may impose additional conditions and safeguards to improve the quality of the #development# or #enlargement# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial# #uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

74-94 - Industrial Business Incentive Areas

LAST AMENDED
12/5/2024

For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the maps in Section 74-948 (Maps of Industrial Business Incentive Areas),

the City Planning Commission may increase the maximum permitted #floor area ratio# in accordance with Section 74-943 (Permitted floor area increase). In conjunction with such #floor area# increase, t he Commission may permit modifications to other #bulk# regulations, provisions for publicly accessible open spaces, as well as parking and loading requirements for such #developments# or #enlargements#, pursuant to Section 74-944 (Modifications in conjunction with a floor area increase).

All applications for a special permit pursuant to this Section, inclusive, shall be subject to the requirements, conditions and findings set forth in Section 74-942 (Application requirements), Section 74-945 (Conditions), Section 74-946 (Findings), and Section 74-947 (Compliance, recordation and reporting requirements).

74-941 - Definitions

LAST AMENDED
12/5/2024

For the purposes of Section 74-94 (Industrial Business Incentive Areas), inclusive, a “required industrial use” and an “incentive use” shall be defined as follows:

Incentive Use

An “incentive use” is a #use# permitted by the applicable zoning district, that is allowed to occupy the additional #floor area# generated by a #required industrial use# with the exception of the following #uses#:

From Use Group V

All #uses# listed under Use Group V

From Use Group VI

All #uses# listed under Use Group VI, other than industrial drycleaning and laundry services or #uses# listed under Repair and Maintenance

From Use Group VIII

All #uses# listed under Use Group VIII, other than #uses# listed under Art Galleries and Studios

From Use Group IX

All #uses# listed under Use Groups IX(A) or IX(C).

Required Industrial Use

A “required industrial use” is a #referenced commercial and manufacturing use# that helps achieve a desirable mix of #commercial# and #manufacturing uses# in an Industrial Business Incentive Area, and that generates additional #floor area# pursuant to provisions set forth in Section 74-942.

74-942 - Application requirements

LAST AMENDED
12/5/2024

All applications for a special permit pursuant to this Section shall include the following:

(a) site plans and elevations which shall establish distribution of #floor area#, height and #setback#, sidewalk widths, primary business entrances, including parking and loading, #yards# and publicly accessible open space, signage and lighting;

(b) floor plans of all floors which shall establish the location, access plan and dimensions of freight elevators and loading areas and the location of #floor area# dedicated to #required industrial uses# and #incentive uses#;

(c) drawings that show, within a 600-foot radius, the location and type of #uses#, the location, dimensions and elements of off-site open areas including #streets#, waterfront and #upland# parcels, elements of a Waterfront Access Plan, as applicable, and the location of #street# trees and #street# furniture and any other urban design elements. Where applicable, for applications in Industrial Business Incentive Area 1, the plans shall demonstrate that any publicly accessible open space provided meets the requirements of paragraph (f) of Section 74-945 (Conditions); and

(d) for #zoning lots# in #flood zones#, flood protection plans, location of mechanical equipment, areas for storage of any hazardous materials and proposed structural or design elements intended to mitigate the impacts of flood and storm events.

74-943 - Permitted floor area increase

LAST AMENDED
12/5/2024

In Industrial Business Incentive Areas, the City Planning Commission may increase the maximum #floor area ratio# on a #zoning lot# in accordance with the Table in this Section.

For #developments# or #enlargements# in the district indicated in Column A, for each square foot of #required industrial uses#, the base maximum #floor area ratio# on a #zoning lot#, set forth in Column B may be increased by 3.5 square feet up to the maximum #floor area ratio# for all #uses# on the #zoning lot# as set forth in Column E, provided that such increase in #floor area# is occupied by

#required industrial uses# and #incentive uses# up to the maximum #floor area ratio# set forth in Column C (Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#), and Column D (Maximum Additional #Floor Area Ratio# for #Incentive Uses#), respectively. In no event shall such #development# or #enlargement# include a #transient hotel#.

FLOOR AREA INCREASE PERMITTED
IN INDUSTRIAL BUSINESS INCENTIVE AREAS

A	B	C	D	E
District	Base Maximum #Floor Area Ratio#	Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#	Maximum Additional #Floor Area Ratio# for #Incentive Uses#	Maximum #Floor Area Ratio# for All #Uses#
M1-2	2.0	0.8	2.0	4.8
M1-4	2.0	1.3	3.2	6.5

Applications for such #floor area# increases are eligible for modifications set forth in Section 74-944 (Modifications in conjunction with a floor area increase), and are subject to the conditions set forth in Section 74-945 and findings set forth in Section 74-946.

74-944 - Modifications in conjunction with a floor area increase

LAST AMENDED

In Industrial Business Incentive Areas, the City Planning Commission may modify the following in conjunction with an application for a #floor area# increase pursuant to Section 74-943 (Permitted floor area increase).

(a) Bulk modifications

(1) Yard regulations

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall be modified pursuant to the provisions of paragraph (c) of Section 74-945 (Conditions). In addition, the Commission may modify any other #yard# regulations set forth in Section 43-20, inclusive.

(2) Height and setback regulations

(i) In Industrial Business Incentive Area 1, the height and setback regulations of Section 43-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, shall be modified pursuant to the conditions of paragraph (d) of Section 74-945.

(ii) In Industrial Business Incentive Area 2, the Commission may modify the height and setback regulations of Section 43-40, inclusive.

(b) Modification for publicly accessible open space

In Industrial Business Incentive Area 1, where a publicly accessible open space is provided pursuant to paragraph (f) of Section 74-945, the Commission may modify the provisions of Section 37-70 (PUBLIC PLAZAS), inclusive.

(c) Parking and loading modifications

In all Industrial Business Incentive Areas, the Commission may reduce or waive the off-street parking requirements set forth in Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES), inclusive, not including bicycle parking, and may also reduce or waive the loading berth requirements as set forth in Section 44-50 (OFF-STREET LOADING REGULATIONS), inclusive.

74-945 - Conditions

LAST AMENDED
12/5/2024

In Industrial Business Incentive Areas, applications for #floor area# increases pursuant to Section 74-943 (Permitted floor area increase) and modifications pursuant to Section 74-944 (Modifications in conjunction with a floor area increase), are subject to the following conditions:

(a) Minimum amount of #required industrial uses#

#Required industrial uses# shall occupy a minimum horizontally contiguous #floor area# of 5,000 square feet in Industrial Business Incentive Area 1, and 2,500 square feet in Industrial Business Incentive Area 2, and shall be served by loading areas and freight elevators with sufficient capacity.

(b) Minimum sidewalk width

In all Industrial Business Incentive Areas, all #developments# and horizontal #enlargements# that front upon a #street line# shall provide a sidewalk with a minimum width of 15 feet along the entire frontage of the #zoning lot#. Such sidewalk, and any open area on the #zoning lot# required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards; shall be at the same level as the adjoining public sidewalk; and shall

be accessible to the public at all times.

(c) Yards

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall not apply to any #development# or #enlargement# on a #through lot# or the #through lot# portion of a #zoning lot#.

(d) Height and setback

In Industrial Business Incentive Area 1, the #street wall# location requirements and height and setback regulations of this paragraph shall apply to any #development# or #enlargement#. For the purposes of applying the provisions of this paragraph, any sidewalk widening line provided pursuant to the minimum sidewalk width requirement of paragraph (b) shall be considered the #street line#. All heights shall be measured from the #base plane#.

(1) The #street wall# of any #building# shall be located on the #street line# and shall extend to a height not lower than a minimum base height of 40 feet and not higher than a maximum base height of 75 feet or the height of the #building#, whichever is less. At least 70 percent of the aggregate width of such #street wall# below 12 feet shall be located at the #street line# and no less than 70 percent of the aggregate area of the #street wall# up to the base height shall be located at the #street line#. However, up to a width of 130 feet of such #street wall# located on the short end of the #block# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section.

(2) The height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or within 15 feet of a #narrow street# shall not exceed a maximum base height of 75 feet. Permitted obstructions as set forth in Section 43-42 shall be modified to include dormers above the maximum base height within the front setback area, provided that on any #street# frontage, the aggregate width of all

dormers at the maximum base height does not exceed 50 percent of the #street wall# and a maximum height of 110 feet. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 110 feet. Where a publicly accessible open space is provided pursuant to paragraph (f) of this Section, such maximum #building# height may be increased to 135 feet.

(3) Along the short dimension of a #block#, up to 130 feet of such #street wall# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section, and a #street wall# located at the #street line# that occupies not more than 40 percent of the short end of the #block# may rise without setback to the maximum #building# height.

(e) Ground floor design

In all Industrial Business Incentive Areas the ground floor level #street walls#, and ground floor level walls fronting on a publicly accessible open space of a #development# or horizontal #enlargement# provided pursuant to paragraph (f) of this Section, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

(f) Publicly accessible open space

In Industrial Business Incentive Area 1, a publicly accessible open space shall be provided where the additional #building# height provision of paragraph (d)(2) of this Section is used. Such publicly accessible open space shall contain an area of not less than 12 percent of the #lot area# of the #zoning lot# and a minimum of at least 2,000 square feet in area. In addition, such publicly accessible open space shall comply with the provisions set forth in Section 37-70 (PUBLIC PLAZAS), inclusive, except that certification requirements of Sections 37-73 (Kiosks and Open Air Cafes) and 37-78 (Compliance) shall not apply.

(g) Signs

In all Industrial Business Incentive Areas, the following shall apply:

(1) #Signs# shall be subject to the regulations applicable in C6-4 Districts as set forth in Section 32-60 (SIGN REGULATIONS), inclusive. Information #signs# provided pursuant to paragraph (g)(2) of this Section shall not count towards the maximum permitted #surface area# regulations of Section 32-64 (Surface Area and Illumination Provisions), inclusive.

(2) An information #sign# shall be provided for all #buildings# subject to the #use# restrictions of this special permit. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the building, and at a height no less than four feet and no more than five and a half feet above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain: the name and address of the building in lettering no less than three-quarters of an inch in height; and the following statement in lettering no less than one-half of an inch in height, "This building is subject to Industrial Business Incentive Area regulations which require a minimum amount of space to be provided for specific industrial uses." The information #sign# shall include the internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (b) of Section 74-947 (Compliance, recordation and reporting requirements) is available to the public.

74-946 - Findings

LAST AMENDED

In order to grant additional #floor area# and any modifications to #bulk#, publicly accessible open space or parking and loading regulations, the City Planning Commission shall find that:

(a) For all applications with a #floor area# increase, and for any applications with #bulk# modifications, such increase or modification:

(1) will promote a beneficial mix of #required industrial# and #incentive uses#;

(2) will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;

(3) will result in a #building# that has a better design relationship with surrounding #streets# and adjacent open areas;

(4) will result in a #development# or #enlargement# that will not have an adverse effect on the surrounding neighborhood; and

(5) will, for #yard# or height and setback regulations, provide a better distribution of #bulk# on the #zoning lot# and will not unduly obstruct the access to light and air of surrounding #streets# and properties.

(b) Where modifications to publicly accessible open space requirements of paragraph (f) of Section 74-945 (Conditions) are proposed, such modifications will result in a publicly accessible open space of equivalent or greater value as a public amenity.

(c) Where modifications to parking or loading regulations are proposed:

(1) such reduction or waiver of required parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;

(2) the number of curb cuts provided are the minimum required for adequate access to off-street parking and loading berths, and such curb cuts are located so as to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;

(3) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and

(4) the reduction or waiver of loading berths requirements will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

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

74-947 - Compliance, recordation and reporting requirements

LAST AMENDED
12/5/2024

Applications for #floor area# increases and modifications in Industrial Business Incentive Areas are subject to the following requirements:

(a) Compliance and recordation

Failure to comply with a condition or restriction in a special permit granted pursuant to Section 74-94 (Industrial Business Incentive Areas), inclusive, or with applicable approved plans, or with provisions of paragraphs (a), (b) and (c) of this Section, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such special permit, and for the

implementation of all other applicable remedies.

A Notice of Restrictions, the form and content of which shall be satisfactory to the Commission, for a property subject to #use# restrictions or #public plaza# requirements, as applicable, pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lot is located.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect. No temporary certificate of occupancy for any portion of the #building# to be occupied by #incentive uses# shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the #building# required to be occupied by #required industrial uses#.

(b) Periodic notification by owner

No later than the 20th day after the lease executed by a new tenant permits occupancy of any #required industrial space#, the owner of a #building# subject to #use# restrictions of this special permit shall provide the following information at the designated internet URL, or other widely accessible means of electronically transmitting and displaying information to the public pursuant to paragraph (g)(2) of Section 74-945 (Conditions). If no new tenant executes a lease for any #required industrial space# within the calendar year, such information shall be provided no later than the 20th day of the following calendar year. Such electronic information source shall be accessible to the general public at all times and include the information specified below:

(1) the date of the most recent update of this information;

(2) total #floor area# of the #required industrial uses# in the #development#;

(3) a digital copy of all approved special permit drawings pursuant to Section 74-942 (Application requirements);

(4) the name of each business establishment occupying #floor area# reserved for #required industrial uses#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area#, the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;

(5) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and

(6) all prior periodic notification information required pursuant to the provisions of this paragraph (b). However, such notification information that is older than four years from the date of the most recent update need not be included.

(c) Annual reporting by qualified third party

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which a temporary or final certificate of occupancy was issued for a #building# subject to #use# restrictions of this Section, the owner of a #building# subject to #use# restrictions of this Section shall cause to be prepared a report on the existing conditions of the #building#, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed.

The inspection shall be preceded by an annual notification letter from the owner of a #building# subject to #use# restrictions of this Section to all the #required industrial use#

tenants of the #building# announcing the date of such inspection, that the organization conducting the inspection shall have access to the spaces occupied by #required industrial uses#, and encouraging the tenants to provide information including, but not limited to, the number of employees for each such space, to the organization.

The owner of a #building# subject to #use# restrictions of this Section shall cause such report to be prepared by an organization under contract with the City to provide inspection services, or on the Department of Small Business Services list of certified firms that provides such inspection services, or by an organization that the Commissioner of the Department of Small Business Services determines to be qualified to produce such report, or, in Industrial Business Incentive Area 2, by a special inspection agency that is registered with the City as established in Section 28-101.5 of the Administrative Code. Such organization or agency selected by the owner to prepare such report shall have a professional engineer or a registered architect, licensed under the laws of the State of New York, certify the report. Such report shall be in a form provided by the Director of the Department of City Planning, and shall include all of the information required pursuant to the provisions of paragraph (b) of this Section, and additional information as set forth in this paragraph (c):

(1) a description of each establishment including the North American Industry Classification System (NAICS) code and number of employees;

(2) the total amount of #required industrial use# #floor area# that is vacant, as applicable;

(3) the average annual rent for the portions of the #building#, in the aggregate, required to be occupied by #required industrial uses#. However, prior to 36 months from the date of execution of a lease by the first #required industrial use# tenant in the building, no such figure shall be required to be included in any report due pursuant to this paragraph (c). For all calendar years following the year in which the first average annual rent figure is required to be submitted as part of an annual report, the average annual rent figure reported shall be for the annual average rent for the calendar year two years prior to the year in which the report is due; and

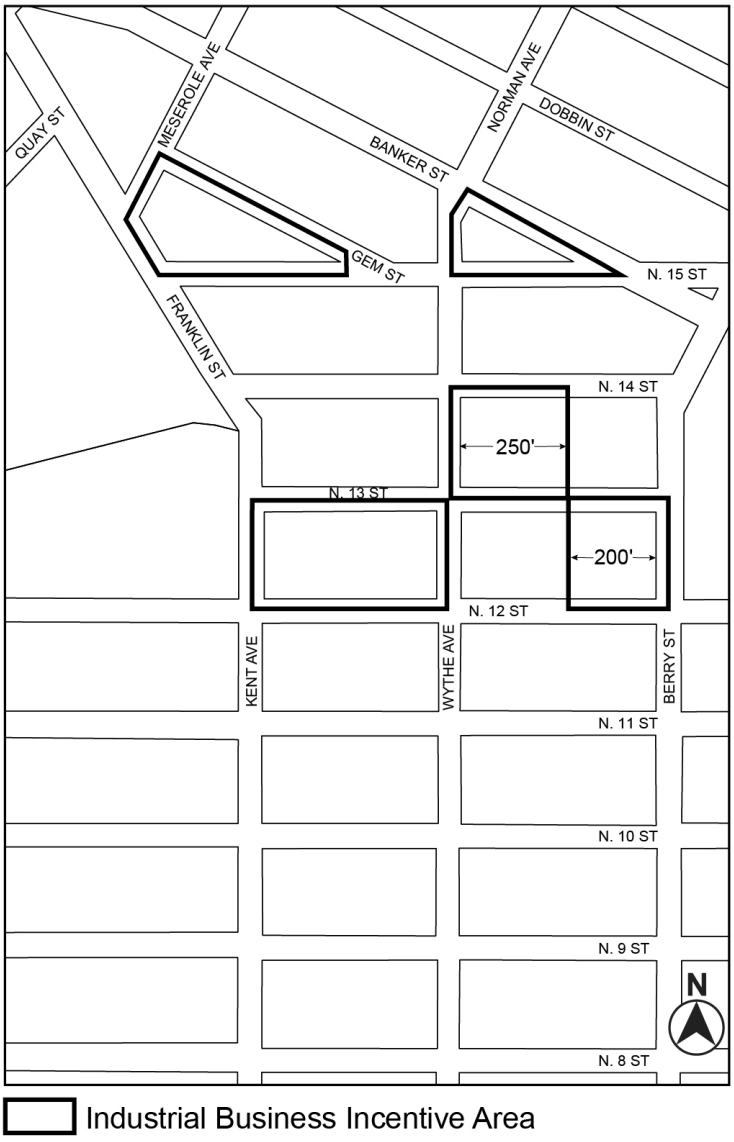
(4) the number of new leases executed during the calendar year, categorized by lease duration, in five year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local City Council member shall be included in such transmission.

74-948 - Maps of Industrial Business Incentive Areas

LAST AMENDED
3/26/2026

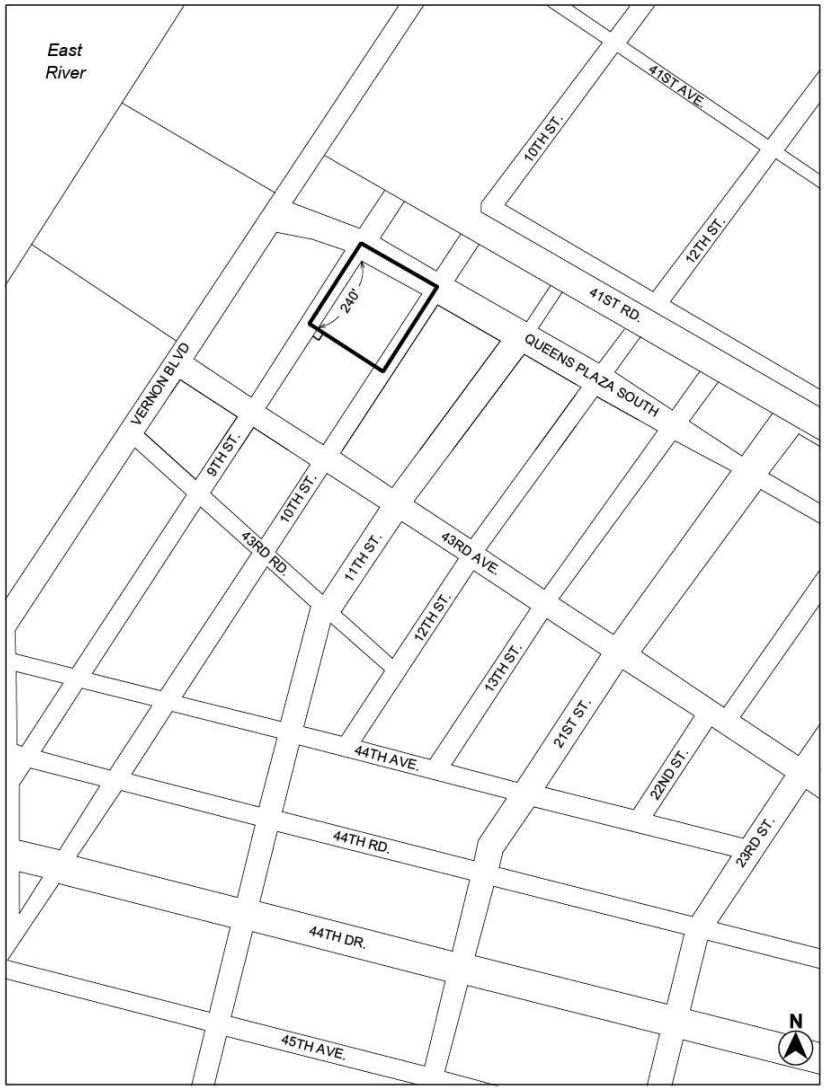
Map 1: Brooklyn



Portion of Community District 1,

Borough of Brooklyn

Map 2: Queens



Portion of Community District 2,

Borough of Queens

74-95 - Bulk Modifications for Irregular Sites

LAST AMENDED
12/5/2024

For #developments# or #enlargements# of #buildings# containing #residences# on #zoning lots# with irregular site conditions, the City Planning Commission may permit modifications to the applicable #bulk# regulations, other than #floor area ratio#, provided that the following findings are met:

(a) there are physical conditions, including, but not limited to, irregular lot size or shape, topographical features, the presence of an existing #building# or proximity to transportation infrastructure, that creates practical difficulties in complying with the applicable #residential# #bulk# regulations and would adversely affect the configuration of #residences# or the #building# 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 to 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 necessary to relieve such practical difficulties.

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

74-96 - Lapse of Authorization or Special Permit

LAST AMENDED
12/5/2024

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.