Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

78-34 - Special Permit Provisions for Certain Large-scale Developments

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LAST AMENDED
6/6/2024

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development#, the City Planning Commission, by special permit, may make modifications in the #open space ratio#, #residential# #floor area ratio# and density regulations, pursuant to the provisions of Section 78-35 (Special Bonus Provisions), if the Commission finds that:

(a) throughout the #large-scale residential development# the site plan provides a significantly better arrangement of the #buildings# in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private #open spaces# and preservation of important natural features to a greater degree than would be possible or practical for a development composed of similar types built in strict compliance with the applicable district regulations;

(b) the public facilities and utilities in the area are adequate to meet the needs of the #large-scale residential development# or that needed additional facilities will be provided as a part of the #large-scale residential development# by the developer or owner;

(c) the #large-scale residential development# complies with the provisions of Section 78-351 (Common open space and good site plan); and

(d) a #large-scale residential development# having an area of four acres or more complies with the provisions of Section 78-352 (Bonus for community facility space).

If the Commission determines that a proposed #large-scale residential development# containing not more than 250 #dwelling units# does not require #community facility# space, finding (d) shall be

waived and the provisions of Section 78-352 made inapplicable. In making its determination, the Commission shall give due consideration to a recommendation from the Community Board within which the proposed #large-scale residential development# is located.

If a site for a fire or police station is provided within the Community District in which a #large-scale residential development# is to be located, which site has been donated in fee to the City, selected as a site pursuant to Section 218 (Site Selection) of the New York City Charter and, if applicable, approved under the provisions of Section 74-141 (Fire or police stations), the Commission may waive finding (d), provided that the #community facility# requirements contained in Section 78-352 are determined to be unnecessary.

Any #large-scale residential development# which qualifies for a bonus in accordance with this Section and the applicable provisions of Section 78-35 shall be eligible for any modifications permitted under Sections 78-311 (Authorizations by the City Planning Commission) or 78-312 (Special permits by the City Planning Commission) provided the findings of Section 78-313 (Findings) are satisfied.