**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 81-067 - Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7

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## 81-067 - Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7

LAST AMENDED
12/5/2024

(a) The City Planning Commission, by special permit, for #zoning lots# where the #lot area# is at least 60,000 square feet or that occupy an entire #block#, may permit modification of the mandatory district plan elements of Section 81-40 or the provisions of Article VII, Chapter 7, that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements. However, no exception to the #street wall# or retail continuity requirements shall be permitted on Fifth Avenue or within 50 feet of Fifth Avenue within the #Special Midtown District#.

The modifications shall be subject to the following findings:

(1) that the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations, result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;

(2) that a substantial majority of the #zoning lot# is either vacant at the time of certification for review, pursuant to Section 197-c of the New York City Charter, or contains #buildings# that will be integrally related to #developments#, both physically and programmatically;

(3) that the design, scale and location of the new #buildings# or #enlarged# #buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;

(4) that such modifications will not unduly obstruct the access of light and air to surrounding properties;

(5) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas on the #zoning lot#;

(6) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements.

(b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict, which have been granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

(1) the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;

(2) the design, scale and location of the new #buildings# or #enlarged# #buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;

(3) such modifications will not unduly obstruct the access of light and air to surrounding properties;

(4) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;

(5) such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements;

(6) the improvements to the below-grade pedestrian circulation network provided by the #development# or #enlargement# significantly increase public accessibility to and from subway stations and/or rail mass transit facilities in and around Pennsylvania Station; and

(7) the modifications of height and setback regulations:

(i) are necessary due to the constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site; and

(ii) will provide an appropriate distribution of #bulk# on the #zoning lot# with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations. In considering whether such distribution of #bulk# is appropriate, the Commission shall consider a complete daylight evaluation for the proposed design.

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