Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

124-05 - Certification for Large Developments

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LAST AMENDED
4/11/2024

The requirements of this Section shall apply to #zoning lots# of at least 200,000 square feet of #lot area#, containing #developments# or #enlargements# resulting in at least 100,000 square feet of #floor area# on such #zoning lots#, or multiple #zoning lots# of at least 200,000 square feet of #lot area#, in aggregate, that are subject to the provisions of Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS).

No building permit shall be issued until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #developments# or #enlargements# comply with the provisions of this Section.

A set of drawings of sufficient scope and detail shall be submitted, showing that:

(a) all #streets# and private streets within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-31 (Standards for Streets and Blocks), inclusive;

(b) all #streets# and private streets within or abutting the proposed #development# or #enlargement# are constructed to grades acceptable to the Commissioner of Buildings and the Commissioner of Transportation;

(c) all publicly accessible open spaces within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS), inclusive; and

(d) for any portion of the #Special Willets Point District# not within the area proposed for #development# or #enlargement# and for which a certification pursuant to this Section has not been obtained, plans shall be submitted showing that the #development# or #enlargement# that is the subject of this certification shall not preclude such portions of the #Special Willets Point District# from complying with the provisions of Sections 124-31 and 124-40 under future certifications pursuant to this Section, except where such compliance is directly prevented by modifications granted by the Commission pursuant to Section 124-60.

The Chairperson may allow for phased development upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any private streets and publicly accessible open spaces that are integral to the #development# or #enlargement# of a #building# or #buildings# within each phase.

The Chairperson shall modify the provisions of Section 124-31, inclusive, to the minimum extent necessary, in the event that the Fire Department determines in writing that such modifications are required under law or regulation governing adequate fire access.

All required private streets and publicly accessible open spaces, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement, indexed against the property, binding the owners, successors and assigns to provide such private streets and publicly accessible open spaces and public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the private streets and public access areas are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open spaces integral to the #development# or #enlargement# of a #building# or #buildings# shall be recorded on the certificate of occupancy for such #building# or #buildings# by the Department of Buildings and shall be a condition of issuance of

such certificate of occupancy.