Zoning Resolution

THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
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66-20 - SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES

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66-20 - SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES

LAST AMENDED
10/7/2021

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination, or certification, where applicable, for a #transit volume# shall be obtained pursuant to Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-22 (Special Use Regulations), 66-23 (Special Bulk Regulations), 66-24 (Special Regulations for Accessory Off-street Parking), and 66-25 (Special Streetscape Regulations) respectively. Separate applicability is set forth within such Sections for #primary transit-adjacent sites# with #easement volumes# and for those with #clear paths#.

66-21 - Determination and Certification for Transit Volumes

LAST AMENDED
10/7/2021

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination by the #transit agency# as to whether a #transit volume# is needed on the #zoning lot# shall be obtained pursuant to the provisions of this Section prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit. An initial determination by the #transit agency# shall be made in accordance with paragraph (a) of this Section. Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in

accordance with paragraph (b) of this Section, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c).

(a) Initial determination

The owner of the #zoning lot# shall request a determination by the #transit agency# as to whether or not a #transit volume# is needed on the portion of the #zoning lot# not otherwise occupied by existing #buildings# that will remain. Within 30 days of receipt of such request, the #transit agency# shall issue a determination, indicating whether or not a #transit volume# is needed on such portion of the #zoning lot#. Failure by the #transit agency# to issue the determination within the 30-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

Where the #transit agency# determines a #transit volume# is needed on the #zoning lot#, the provisions of paragraphs (b) and (c) of this Section shall apply. Where the #transit agency# determines a #transit volume# is not needed, a building permit may be issued for such #development# or #enlargement#, and no remaining provisions of this Section shall apply.

(b) Determination of easement dimensions and location

Where a #transit volume# is needed, as determined pursuant to the provisions of paragraph (a) of this Section, the #transit agency# shall, within 30 days, determine the appropriate type, dimensions and general location of the #transit volume# on the #zoning lot# based on a concept plan for the use of such volume. Prior to the 30-day period, the #transit agency# may request relevant materials from the owner of the #zoning lot#, including existing and proposed site conditions, or other necessary information that will support the planning of such #transit volume#.

After the size and general location of the #transit volume# has been determined by the #transit

agency#, the owner shall submit for approval by the #transit agency# a site plan showing a proposed specific location of the #transit volume# that would be compatible with the proposed #development# or #enlargement# on the #zoning lot#. The #transit agency# shall, within 30 days of its receipt, either approve the site plan, or request modifications to the #transit volume# within the site plan in a manner that aligns with the concept plan. Upon such request, the owner shall submit a revised site plan, and within 15 days of its receipt, the #transit agency# shall confirm that the requested modifications have been addressed. In the event that such requested modifications have not been sufficiently addressed, subsequent revisions to the site plan may be requested by the #transit agency#, and each submission shall have a 15-day review period from the #transit agency#.

Upon approval of the site plan by the #transit agency#, such site plan shall be certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section prior to the issuance of a building permit by the Department of Buildings for such #development# or #enlargement#. Notwithstanding the above, a building permit may be issued for a #development# or #enlargement#:

(1) where the size of the proposed #transit volume# exceeds 25 percent of the width of any #street# frontage on the #zoning lot#, as measured along the #street line#; or

(2) where the number of days associated with the determination and review periods by the #transit agency# exceeds any of the limits set forth in this paragraph, or a total review period of 120 days. The total review period shall only be inclusive of the duration of the #transit agency's# determination and review periods set forth in both paragraphs (a) and (b) of this Section.

(c) Chairperson certification

Upon approval of the site plan by the #transit agency#, a legally enforceable instrument,

running with the land and setting forth the dimensions and location of a #transit volume#, shall be executed and recorded in a form acceptable to the #transit agency# and Chairperson of the City Planning Commission. The Chairperson shall be provided with a certified copy of the legally enforceable instrument, and upon receipt, shall certify the application and forward copies of such certification to the Commissioner of the Department of Buildings. Such certification shall be a precondition for the utilization of the remaining provisions of Section 66-20, inclusive, in any #development# or #enlargement# on a #zoning lot# where a #transit volume# is needed.

Where an #easement volume# is needed on the #zoning lot# pursuant to paragraph (a) and (b) of this Section, additional requirements setting forth the construction, maintenance and other obligations shall apply pursuant to the provisions of Section 66-41 (Construction, Maintenance and Other Obligations).

No temporary or final certificate of occupancy for the #development# or #enlargement# shall be granted until the Chairperson of the City Planning Commission notifies the Department of Buildings that the execution and recordation of other basic terms of the #easement volume# setting forth the obligations and requirements of either the #transit agency# or the owner and developer, their successors and assigns, inclusive of the requirements set forth in Section 66-41, have been completed.

66-22 - Special Use Regulations

LAST AMENDED
10/7/2021

Where an #easement volume# is provided, the applicable #use# regulations of this Resolution shall be modified in accordance with the provisions of Sections 62-221 (Temporary uses) and 62-222 (Special use allowances around easement volumes).

66-221 - Temporary uses

LAST AMENDED
6/6/2024

Any space within an #easement volume# may be temporarily allocated to the following #uses# until such time as the space is needed by the #transit agency#:

(a) in all districts, #uses# listed under Use Group III(B), as permitted by the underlying district;

(b) in #Residence Districts#, #uses# listed under Use Group VI; or

(c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

The floor space allocated to such temporary #uses# within the #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

Improvements to, or construction of a temporary nature within the #easement volume# for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the #easement volume# is located prior to the time at which public #use# of the easement area is needed, except as otherwise specified by the #transit agency#. A minimum notice of 12 months shall be given, in writing, by the #transit agency# to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.

66-222 - Special use allowances around easement volumes

LAST AMENDED
6/6/2024

In all #Residence Districts#, #uses# listed under Use Group VI shall be permitted within a distance of 30 feet from the outermost edge of the #easement volume#:

(a) at the ground floor level of a #building# on a #zoning lots# with an #easement volume# serving an #at- or below-grade mass transit station#, or

(b) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

Such #uses# may be permitted so long as that in #buildings# that include #residential uses#, such #uses# are located in a portion of the #building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building#, and that such #uses# are not located directly over any #story# containing #dwelling units#.

66-23 - Special Bulk Regulations

LAST AMENDED
10/7/2021

Where an #easement volume# is provided, the applicable #bulk# regulations of this Resolution shall be modified in accordance with the provisions of this Section. Where a #clear path# is provided, only the #street wall# provisions of Section 66-233 (Special street wall modifications) shall apply.

66-231 - Special floor area modifications

LAST AMENDED
10/7/2021

The #floor area# modifications of this Section shall apply as follows:

(a) #Floor area# exemption

The floor space contained within any #easement volume# shall be excluded from the definition of #floor area#.

(b) #Commercial# #floor area# in #Residence Districts#

Where special #use# allowances pursuant to paragraph (a) of Section 66-222 (Special use allowances around easement volumes) are permitted in #Residence Districts#, the maximum permitted #commercial floor area# shall be equivalent to the area permitted for #commercial uses# pursuant to such Section.

66-232 - Special open space, lot coverage and yard modifications

LAST AMENDED
12/5/2024

The #open space#, #lot coverage# and #yard# modifications of this Section shall apply as follows.

(a) Permitted obstructions

(1) #Easement volumes# in all zoning districts

Any portion of an #easement volume# shall be considered a permitted obstruction within a required #open space#, #yards#, #rear yard equivalent#, or #court# pursuant to the regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 20 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Non-residential uses in #Commercial# or #Manufacturing Districts#

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level#, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences or rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

(b) Special #lot coverage# modifications in certain districts

The underlying #lot coverage# provisions shall apply except any #easement volume#, or portion thereof, that is open to the sky shall not be included in #lot coverage#.

66-233 - Special street wall modifications

The #street wall# modifications of this Section shall apply to districts with #street wall# requirements.

(a) #Street wall# location where an #easement volume# is provided

The applicable #street wall# location provisions shall be modified pursuant to this paragraph.

(1) For all #zoning lots#, any portion of the #easement volume# facing the #street#, as well as any portion of a #building# behind or above such #easement volume# shall not be subject to #street wall# location provisions along the #street# frontage the #easement volume# is located.

(2) Where an #easement volume# is located wholly beyond 50 feet of the intersection of two #street lines#, #street walls# within 15 feet of an #easement volume#, as measured along the #street line# may be recessed, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, on #corner lots#, where an #easement volume# is placed partially or wholly within 50 feet of the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines drawn perpendicular to such #street lines# within 15 feet from the edges of such #easement volume#. For #corner lots# with an angle of 75 degrees or less, such distance may be increased to 20 feet.

(b) #Street wall# location where a #clear path# is provided

Where a #clear path# is provided, the interior boundary of such #clear path# shall be considered a #street line# for the purposes of applying the applicable #street wall# location requirements.

66-234 - Special height and setback modifications

LAST AMENDED
12/5/2024

The height and setback modifications of this Section shall apply as follows:

(a) Permitted obstructions

Any portion of an #easement volume# shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum #building# height, or #sky exposure plane# set forth in height and setback regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 20 feet from any #legally required window# at the same level on the #zoning lot#.

(b) Special height provisions

Where maximum #building# height limitations apply, the maximum #building# height shall be increased by 10 feet, or one #story#, whichever is less.

However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R12 Districts, #Commercial Districts# mapped within or with a #residential equivalent# of such districts, M1 Districts paired with such districts, or any other #Commercial# or #Manufacturing District# with a maximum #building# height limitation, the maximum #building# height shall be increased by 20 feet or two #stories#, whichever is less.

66-24 - Special Regulations for Accessory Off-street Parking

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

(a) Parking space deduction

For all applicable #zoning lots#, 15 spaces may be deducted from the total number of required #accessory# off-street parking spaces. Where #accessory# off-street parking spaces are required by multiple #uses# on a #zoning lot#, such deduction may apply to any required #accessory# off-street parking spaces provided that in no event shall the aggregate total of such deduction exceed 15 spaces. Any allowances for reductions or waivers of #accessory# off-street parking spaces set forth in underlying district regulations or Special Purpose Districts, shall continue to apply.

(b) Special waiver of requirements for small #zoning lots#

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

District	**Lot Area (in square feet)**

R1 R2 R3 R4 R5 C1-1 C2-1 C3 C4-1 C1-2 C2-2 C4-2 C8-1 C1-3 C2-3 C4-2A C4-3 C8-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	10,000 or less
R6 R7 R8 R9 R10 R11 R12 C1-4 C2-4 C4-4 C4-5D C8-3 C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C7 C8-4 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 #Manufacturing Districts# with an A suffix	15,000 or less

(c) Waiver of requirements where access would be forbidden

The location and size of the #transit volume#, along with an area within 30 feet thereof, shall be considered for the purposes of applying waiver provisions of Sections 25-34, 36-24, 36-33 or 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden).

66-25 - Special Streetscape Regulations

LAST AMENDED
12/5/2024

Where an #easement volume# is provided, the underlying ground floor level and planting requirements shall be modified in accordance with Sections 66-251 (Ground floor level requirements) and 66-252 (Planting requirements).

66-251 - Ground floor level requirements

LAST AMENDED
12/5/2024

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

66-252 - Planting requirements

LAST AMENDED
12/5/2024

Planting requirements shall be modified as follows:

(a) In R1 through R5 Districts, where planting strips are required along the entire length of the curb of the #street# pursuant to Section 23-612 (Planting Strips in Residence Districts), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#; and

(b) In all #Residence Districts#, the #easement volume# shall be discounted from the area of the #zoning lot# between the #street line# and all #street walls# for the purposes of applying the planting requirement of Section 23-613 (Front Yard Planting Requirements).

66-26 - Additional Modifications

LAST AMENDED
10/7/2021

Where a #transit volume# is provided pursuant to Section 66-21 (Determination and Certification for Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, pursuant to Section 66-52 (Additional Modifications).