Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

74-80 - ADDITIONAL PERMITS

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74-80 - ADDITIONAL PERMITS

LAST AMENDED
6/6/2024

74-81 - Through Block Arcades

LAST AMENDED
12/5/2024

In C4-7, C5-2, C5-3, C5-4, C5-5 and C6 Districts, the City Planning Commission may permit #through block arcades# to be located in #commercial buildings# or #mixed buildings#. For each square foot of #through block arcade# located in C4-7, C5-2, C5-4, C6-1, C6-2, C6-3, C6-4, C6-5 or C6-8 Districts, a bonus of three feet of #floor area# may be permitted and for each square foot of #through block arcade# located in C5-3, C5-5, C6-1A, C6-6, C6-7, C6-9, C6-11 or C6-12 Districts, a bonus of six feet of #floor area# may be permitted. #Through block arcades# may be located on a #zoning lot# in conjunction with a #publicly accessible open area# or an #arcade# but in no event shall the total #floor area# permitted on that #zoning lot# exceed the amount set forth in Section 33-12 (Maximum Floor Area Ratio) by more than 20 percent.

In the districts with an equivalent #residential# #floor area ratio# of 10, any #floor area# bonus earned by providing a #through block arcade# may be applied to increase the #residential# #floor area# of a #mixed building# provided the maximum #floor area ratio# for the #residential# portion does not exceed 12.0.

Each application for a #through block arcade# must meet the following criteria:

(1) result in substantial improvement of pedestrian circulation; and

(2) provide appropriate secondary #commercial# frontage along the #through block arcade# such as small shops and restaurants.

Bridges, mezzanines and balconies which add interest and function to the #arcade# without unduly obstructing its light and air may be incorporated in the proposal.

Lighting, paving, #signs# and plantings shall be specified in the application.

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

74-82 - Public Service Establishments

LAST AMENDED
12/5/2024

74-821 - Court houses

LAST AMENDED
12/5/2024

In all #Commercial Districts#, the City Planning Commission may permit modifications of the applicable #bulk# regulations so as to allow the same #bulk# regulations as would apply for a #community facility building# in the applicable #Commercial District# and may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Yard Regulations or Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations. The Commission shall find that because of site limitations such modifications are necessary for the proper design and operation of the court house.

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

74-822 - Borough-based jail system

LAST AMENDED
12/5/2024

For #zoning lots# that are the subject of a site selection for a borough-based jail system pursuant to application C 190333 PSY, the City Planning Commission may, by special permit, allow modifications to the applicable regulations governing #uses#, #bulk#, including permitted #floor area ratio#, the permitted capacities of #accessory# off-street parking facilities and #public parking garages#, and off-street loading regulations, to facilitate construction of the proposed facilities. In order to grant such special permit, the Commission shall find that:

(a) any #use# modifications will support the operation of the facility and will be compatible with the essential character of the surrounding area;

(b) ground floor #uses# will be located in a manner that is inviting to the public and will integrate the facility within the surrounding community;

(c) any increase in permitted #floor area ratio# will facilitate the development of the facility;

(d) any #bulk# modifications will improve the interior layout and functionality of the facility;

(e) such #bulk# modifications, including any increase in permitted #floor area ratio#, will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area;

(f) any modifications to the provisions of #accessory# off-street parking and loading regulations will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and

(g) any modifications to the permitted capacity of #public parking garages#:

(1) will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and

(2) will provide adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 spaces, and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles.

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

74-83 - Developments With Existing Buildings

LAST AMENDED
12/5/2024

74-831 - Development in certain Commercial Districts

LAST AMENDED
12/5/2024

In C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C6-11 or C6-12 Districts, the City Planning Commission may permit a #zoning lot# having a minimum area of 40,000 square feet or occupying an entire #block# to be #developed# to its maximum allowable #bulk# under applicable district regulations and any existing #buildings# to remain temporarily on that lot and may permit the #floor area# of any existing #buildings# to be excluded from computations determining such maximum allowable #floor area#, provided that each and every one of the following conditions are met:

(a) that existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;

(b) that all leases within the existing #buildings# must terminate within five years after the issuance of a special permit under this Section, and that no new leases or any lease renewals shall be entered into on any existing #buildings# or portion of such existing #buildings#;

(c) that the total #floor area# of all such existing #buildings# on the #zoning lot# is not greater than 20 percent of the maximum allowable #floor area# for that #zoning lot#;

(d) that demolition of all such existing #buildings# must commence within five years after the issuance of the special permit under this Section;

(e) that the portions of the #zoning lot# where existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan; and

(f) that, until such time as demolition of all such existing #buildings# and completion of the approved site plans, #floor area# equal in amount to that which was located in such existing #buildings#, must be left unfinished and vacant in the new #development#; and a temporary certificate of occupancy, for the vacant space, shall remain in effect until all conditions in the special permit are satisfied.

The owner of the #zoning lot# shall submit a copy of all leases on any #building# or portion of any #building# on the #zoning lot# together with an opinion of counsel that the leases will terminate

within five years.

All leases of such existing #buildings# or portions of #buildings# shall submit affidavits attesting to the expiration date of their leases together with an opinion of counsel that the lease will expire within five years.

The owner of the #zoning lot# shall have prominently displayed on the front of all existing #buildings# a sign stating the date that the #building# is to be demolished.

As a further condition for the issuance of a permit under this Section, the owner of the #zoning lot#, upon which new #development# is to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel sufficient in amount to:

(1) cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time;

(2) ensure that all #floor area# which is to be vacant in the new #development# shall remain unfinished and vacant; and

(3) ensure that no new leases or lease renewals are entered into on any portion of any of the existing #buildings#.

The bonds or other securities shall be payable to The City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this Section, that the #development# shall result in improved circulation and would eliminate the undesirable preemption of ground level space by private #buildings or other structures#. In making this finding, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule

of new #development# and other improvements on the #zoning lot#.

74-84 - Certain Large Retail Establishments

LAST AMENDED
12/5/2024

In M1-5 or M1-6 Districts, the City Planning Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building# designed for #residential use#.

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

(a) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and

(b) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:

(1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an

office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;

(2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1000 feet;

(3) that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;

(4) that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and

(5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

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

74-85 - Covered Pedestrian Space

LAST AMENDED
8/14/2025

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 M1-6A M1-7A M1-8A M1-9A

In the districts indicated and in the #Special Midtown South Mixed Use District#, the City Planning Commission may permit #floor area# bonuses for #covered pedestrian space# in accordance with the

provisions of Sections 74-851 through 74-853, inclusive.

74-851 - Floor area bonus for covered pedestrian space

LAST AMENDED
8/14/2025

For the #development# or #enlargement# of a #commercial#, #community facility# or #mixed building#, for each square foot of #covered pedestrian space# provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) or Section 43-132 (Floor area regulations in M1 Districts with an A suffix), as applicable, may be increased as set forth in the following table:

PERMITTED ADDITIONAL FLOOR AREA PER SQUARE FOOT OF COVERED PEDESTRIAN SPACE

District	Basic (in square feet)	Maximum (in square feet)
C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12 M1-8A M1-9A	11	14

C4-7 C5-2 C5-4 C6-4 C6-5 C6-8	8	11
M1-6A M1-7A		

In no event shall the resulting #floor area ratio# exceed the amount set forth in the underlying provisions by more than 20 percent. Any #floor area# bonus earned by providing a #covered pedestrian space# may be applied to increase the #residential# #floor area# of a #mixed building#.

Any portion of the #covered pedestrian space# that is within 10 feet of a #street line# or #lot line# and that is extended along such #street line# or #lot line# on either side of an entrance to it from an adjoining #street#, #arcade#, #publicly accessible open area#, #court#, #yard# or other #covered pedestrian space#, may receive only that #floor area# bonus accorded to an #arcade#.

The basic #floor area# bonus may be increased by providing one or more of the following additional amenities:

(a) An escalator, providing pedestrian access from sidewalk level to any floor level containing #uses# specified in paragraph (c) of Section 74-852 (Design requirements for covered pedestrian spaces). Such escalator may be either within or directly accessible from the #covered pedestrian space#. The basic #floor area# bonus may be increased by 1.5 square feet per square foot of #covered pedestrian space# for each floor level connected by such escalator. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such escalator shall not exceed the allowable maximum set forth in the table.

(b) Where the height over at least one-third of the #covered pedestrian space# in one location is increased by more than one #story# of the #building# above the required height, the basic #floor area# bonus for that portion may be increased by 1.5 square feet per square foot of such raised portion for each such #story#. However, the #floor area# bonus earned for the total

#covered pedestrian space# by providing such additional height shall not exceed the allowable maximum set forth in the table.

(c) Where direct access from the #covered pedestrian space# to a subway station mezzanine or concourse is provided and such connection is major, necessary, and kept open to the general public for the same hours as the #covered pedestrian space# or as specified by the Commission, an additional bonus of two square feet of #floor area# per square foot of #covered pedestrian space# may be permitted over the amount specified in the table.

74-852 - Design requirements for covered pedestrian spaces

LAST AMENDED
12/5/2024

In order to qualify for a #floor area# bonus, a #covered pedestrian space# shall be directly accessible to the public from the adjoining #street#, #arcade#, #through block arcade#, #publicly accessible open area#, #court#, #yard#, #pedestrian mall# or other #covered pedestrian space# which is a part of the public pedestrian circulation system, and shall:

(a) have an area of at least 3,000 square feet and a minimum width, at any point, of 20 feet. For spaces between 100 feet and 150 feet in length, the minimum width shall be 25 feet. For spaces longer than 150 feet, the average width shall be at least 30 feet;

(b) have a height of at least 30 feet;

(c) have appropriate #uses# permitted in the district, such as, but not limited to, small stores and cafes, occupying the maximum feasible frontage along those bounding walls of the #covered pedestrian space# which do not abut #lot lines# or #street lines#. At least 50 percent of such

frontage shall be comprised of individual #uses#, each of which has a frontage not exceeding 25 feet, and the frontage of any other single #use# may not exceed 40 feet. In no event may banks, loan offices, insurance offices or similar office type #uses# occupy any portion of the frontage of the #covered pedestrian space#. Access to other #uses# within a #building# may be provided from the #covered pedestrian space# if such #uses# are not located at the same #story# as the pedestrian space;

(d) be adequately illuminated, utilizing natural daylight wherever possible; and

(e) be suitably maintained and kept open to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

Obstructions such as awnings, canopies, pedestrian bridges, escalators, stairs, balconies or other architectural elements above the floor level of the #covered pedestrian space# are prohibited unless it can be clearly demonstrated that they will enhance design or pedestrian circulation. In any event, horizontal projection of balconies into any #covered pedestrian space# shall not exceed five feet.

Planting, landscaping, ornamental fountains, statuary, outdoor furniture, kiosks, works of art, light wells and other features may be permitted in a portion of the pedestrian space, but not to the extent of impeding pedestrian movement.

Columns or similar elements may be permitted within a #covered pedestrian space#, but the aggregate area of such elements may not exceed two percent of the total pedestrian space. The clear span along the main path of pedestrian traffic shall not be less than the figure indicated for minimum dimensions of pedestrian space in paragraph (a) of this Section. However, when two or more pedestrian paths are provided, the minimum clear span widths of such paths may be reduced by five feet.

Where multiple access to the #covered pedestrian space# is provided from an #arcade#, the minimum clear spacing between columns at the face of the #building# may be reduced to 18 feet, provided the height of the #arcade# is not less than 30 feet.

A portion of the #covered pedestrian space# shall be public sitting areas with appropriate facilities such as cafes or other public seating arrangements.

Entrances to lobbies may be permitted along the boundary of a #covered pedestrian space#. The #floor area# of an entrance lobby shall not be considered as part of the #covered pedestrian space#. Where a #zoning lot# is bounded by more than one #street#, or by the combination of #streets#, #publicly accessible open areas# or other public rights-of-way, the #covered pedestrian space# will provide a connection between at least two such areas.

Where the space is heated or air-conditioned, the standards for heating, ventilating and air-conditioning shall be at least equal to that of the lobby.

For the purpose of ensuring prominent public attention to the #covered pedestrian space#, the openings at the face of the #building# for entrances to the #covered pedestrian space# shall be at least 20 feet wide, 30 feet high and unobstructed for a depth of 30 feet, except, where the #covered pedestrian space# is air-conditioned, the openings at the entrances may be partially enclosed. Such enclosure at the entrances shall be transparent in nature, commence at a height not less than eight feet above the floor level at the entrances, and be set back from the face of the #building# at least 12 feet. Air curtains are permitted but shall be located at a height not less than eight feet. Such entrances are permitted to be fully enclosed only for that portion of the year between October 15 and April 15, provided, however, that such space is readily accessible to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

An information plaque shall be provided that contains a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York.

When a #through block arcade# provides public access to a #covered pedestrian space#, the opening at the point shall be at least 30 feet wide and 30 feet high. The two openings at the face of the #building# to the #through block arcade# shall be at least 20 feet wide and 30 feet high for a depth of 30 feet and shall be unobstructed except for stairs, ramps and escalators. If such space is air-conditioned, only one opening at the face of the #building# need comply with the partial enclosure requirements of the preceding paragraph.

A #covered pedestrian space# located at 12 feet or more below the sidewalk level shall provide direct subway or below grade pedestrian concourse access. For such #covered pedestrian spaces#, the entrance openings at the sidewalk level may be less than 30 feet in height, but not less than 15 feet, provided the entrance opening is unenclosed for its full height and is extended along the face of the #building# for the entire width of the #covered pedestrian space#.

74-853 - Findings for covered pedestrian spaces

LAST AMENDED
12/5/2024

As a condition for permitting such bonus #floor area#, the City Planning Commission shall find that:

(a) the proposed #covered pedestrian space# will have a useful role in meeting existing needs for sheltered space for the comfort and convenience of the general public;

(b) the proposed #covered pedestrian space# is located at or close to the principal level of pedestrian circulation in adjacent areas, with prominent and obvious public entrances;

(c) the public character of the proposed #covered pedestrian space# shall be obvious from the outside of the #building#;

(d) appropriate #commercial# #uses# including, but not limited to, small stores and cafes fronting on the #covered pedestrian space# are provided;

(e) the distribution of the #bulk# on the #zoning lot# permits satisfactory access of light and air to surrounding #streets# and properties; and

(f) the proposed connection to an underground subway station from a #covered pedestrian space# is necessary to ease pedestrian movement and sidewalk congestion in the area and the construction cost of the proposed amenity is substantial enough to justify the granting of additional #floor area ratio# bonus.

The Commission may permit modification of the entrance requirements for #covered pedestrian spaces#, provided that the Commission finds that the entrance is so designed as to ensure prominent public notice and promote public pedestrian circulation through such space.

74-86 - Bulk Modifications for Telephone Exchanges or Other Communication Equipment Structures

LAST AMENDED
12/5/2024

In C1 and C2 Districts when mapped in R6 through R12 Districts, and in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C4-9, C4-11, C4-12, C5-1, C6-1, C6-2, C6-3, C7, C8-2, C8-3, C8-4, M1-1A through M1-4A, M1-2 through M1-5, M2 and M3 Districts, the City Planning Commission may permit modification of the #bulk# regulations for telephone exchanges or other communications equipment structures not existing on December 15, 1961, provided that the #zoning lot# has a minimum area of 40,000 square feet, a #floor area ratio# of no greater than 10.0 and that the following findings are made:

(a) that the growth of the utility service demand to be served by the facility requires the construction of a #building or other structure# that would exceed the allowable #bulk# permitted by the district regulations;

(b) that provisions of new or additional facilities at other locations would cause substantial duplication of plant and facilities;

(c) that the proposal is the minimum modification necessary to permit the additional facilities needed to serve the demand;

(d) that the design of the facility will not adversely affect the character of the neighborhood;

(e) that the existing #street# and public transportation system will not be adversely affected; and

(f) that, where appropriate and feasible in the judgment of the Commission, the applicant provides a public amenity for the benefit of the affected community.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.