Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

145-42 - Special Approvals in Subdistrict B

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145-42 - Special Approvals in Subdistrict B

LAST AMENDED
8/15/2024

For certain portions of Subarea B1, a transfer of #floor area# from a granting site to a receiving site shall be allowed by certification of the Chairperson of the City Planning Commission, pursuant to Section 145-421 (Certification for transfer of floor area).

For #qualifying public realm improvement sites# in Subarea B1, the Commission may grant, by authorization, a #floor area# bonus for transit and station area improvements pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites). In conjunction with such #floor area# bonus, the Commission may authorize #bulk# modifications, other than modifications to the #floor area ratio#, pursuant to Section 145-423 (Authorization for additional modifications on qualifying public realm improvement sites).

145-421 - Certification for transfer of floor area

LAST AMENDED
8/15/2024

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of #floor area# from the Improvement Area located in Subarea B1, as shown on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, to a #zoning lot# fronting on Morris Park Avenue or other #zoning lots# on the #block# contiguous to the Improvement Area. Such certification for a transfer of #floor area# shall be subject to the conditions of paragraph (a), and

application requirements of paragraph (b) of this Section.

For the purposes of this Section, the "granting site" shall mean the Improvement Area that transfers #floor area# pursuant to this Section, and a "receiving site" shall mean a #zoning lot# that receives additional #floor area# pursuant to this Section.

(a) Conditions

(1) the maximum amount of #floor area# that may be transferred from the granting site shall equal the area designated on Map 4 multiplied by the maximum #floor area ratios# pursuant to the zoning district within Subdistrict B. Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred; and

(2) all certificates of occupancy have been surrendered for such granting site, and all structures on such granting site have been demolished.

(b) Application requirements

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the granting site and the receiving site. Such application shall include site plans and zoning calculations for the granting site and receiving site showing the additional #floor area# associated with the transfer.

Additionally, at the time of certification, the owners of the granting site and the receiving site shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the granting site and the receiving site shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be submitted to the Chairperson. Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area#

transferred and shall specify, by #block# and lot numbers, the granting site and the receiving site that are a party to such transfer.

The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only after the transfer instrument and notice of restrictions required by this paragraph have been executed and recorded with proof of recordation provided to the Chairperson. Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development#.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing #floor area# associated with the transfer on the receiving site until the granting site has been conveyed to the City for improvement, as a #street#, as provided on the City Map.

A separate application shall be filed for each transfer of #floor area# to any receiving site pursuant to this Section.

145-422 - Authorization for qualifying public realm improvement sites

LAST AMENDED
12/5/2024

For #qualifying public realm improvement sites# in Subarea B1, the City Planning Commission may authorize an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, where transit and public realm improvements are provided to enhance access, circulation and complementary open spaces between a future #mass transit station# and its surrounding area. All

applications pursuant to this Section shall be subject to the rules and limitations set forth in paragraph (a), conditions set forth in paragraph (b), application requirements set forth in paragraph (c), findings set forth in paragraph (d), and additional requirements set forth in paragraph (e) of this Section.

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other bulk modifications shall apply:

(1) where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and

(2) for #MIH developments#, the requirements of Article II, Chapter 7 (Additional Regulations and Administration in Residence Districts) shall not apply to the bonus #floor area# granted under the provisions of this Section.

(b) Conditions

All applications shall include on-site or off-site improvements that will enhance access to and circulation between such #mass transit station# and its surrounding areas. Such improvements may consist of:

(1) accessibility or capacity-enhancing improvements to the #mass transit station#, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian

connections to #the #mass transit station#; or

(2) publicly accessible open spaces, of ample size, for public use and enjoyment, at or around the #mass transit station#. Such improvements may include pedestrian plazas and other types of active or passive open spaces and shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation.

(c) Application requirements

All applications shall include a site plan indicating the area and dimensions of the proposed improvements to the #mass transit station# or proposed publicly accessible open spaces. In addition, for applications involving accessibility or capacity-enhancing improvements to the #mass transit station#, the following shall be provided:

(1) Prior to submitting an application, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the Metropolitan Transportation Authority to evaluate and determine the constructability of such proposed improvement.

(2) At the time of application referral, the Commission shall be provided with the following application materials:

(i) a letter from the Metropolitan Transportation Authority containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

In order to grant such #floor area# bonus, the Commission shall find that:

(1) the public benefit derived from such improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to the authorization;

(2) for accessibility or capacity-enhancing improvements for the #mass transit station#, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and

(3) for publicly accessible open spaces, the proposed improvements will, to the extent practicable:

(i) consist of a prominent space of generous proportions and quality design that is inviting to the public, resulting in high-quality public space;

(ii) provide comfortable places for resting, suitable amenities for occupants and opportunities for planting; and

(iii) be designed in a manner that is cohesive and harmonious with the pedestrian circulation network.

(e) Additional requirements

For all applications, additional requirements set forth in this paragraph shall apply.

(1) For applications involving accessibility or capacity-enhancing improvements to the #mass transit station# the following requirements shall be met prior to the granting of such #floor area# bonus:

(i) To the extent required by the Metropolitan Transportation Authority, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the Metropolitan Transportation Authority deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the Metropolitan Transportation Authority stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and

character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the building utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

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

145-423 - Authorization for additional modifications for qualifying public realm improvement sites

LAST AMENDED
8/15/2024

In conjunction with an application pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites), the City Planning Commission may, by authorization, modify bulk regulations, other than #floor area ratio# and maximum #building height#, provided that the Commission determines that the application requirements of paragraph (a) and the findings set forth in paragraph (b) of this Section are met.

(a) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(b) Findings

The Commission shall find that:

(1) such proposed modifications are necessary to accommodate the additional #floor area# granted pursuant to Section 145-422; and

(2) any modifications to #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

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