Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-266 - Special permit for height and setback modifications

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LAST AMENDED
12/5/2024

In C5-3, C6-6 or C6-7 Districts, where a special permit application is made pursuant to Section 74-71 (Landmark Preservation) for modification of #bulk# regulations on a #zoning lot# containing a landmark, such application may include a request for modification of the height and setback regulations set forth in Sections 81-261 to 81-265, inclusive, relating to Height and Setback Regulations - Daylight Compensation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

(a) the applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed #development# or #enlargement# which accommodates the permitted #floor area# is not possible under the provisions of Sections 81-261 to 81-265, inclusive, and shall further indicate for the proposed design where and to what extent deficiencies of #compensating recess# are necessary or compliance with the length and height rules is not possible. Scale drawings shall be used in presenting the analyses required herein; and

(b) the Commission shall make the following findings in addition to any required under the applicable provisions of Section 74-71:

(1) that the requested departure from the height and setback regulations is the minimum amount necessary to achieve a feasible #building# design;

(2) that the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole; and

(3) that where the landmark is located on the #zoning lot# proposed for #development# or #enlargement# or on a lot contiguous thereto or directly across a #street# therefrom, the modification of height and setback regulations will adequately protect the setting for the landmark.