



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Article XII - Special Purpose Districts

File generated by <https://zr.planning.nyc.gov> on 3/22/2024



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 1 - Special Garment Center District (GC)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 1 - Special Garment Center District (GC)

121-00 - GENERAL PURPOSES

LAST AMENDED
12/20/2018

The "Special Garment Center District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to retain adequate wage and job-producing industries within the Garment Center;
 - (b) to provide an opportunity for apparel production and showroom space in designated areas of the Garment Center;
 - (c) to preserve a variety of types of space for a diversity of businesses that service the Garment Center and the city;
 - (d) to recognize the unique character of the western edge of the Special District as integral to the adjacent Special Hudson Yards District;
 - (e) to establish an appropriate urban scale and visual character within the Garment Center; and
 - (f) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.
-

121-01 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Garment Center District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

121-02 - District Plan

LAST AMENDED
12/20/2018

The regulations of this Chapter are designed to implement the #Special Garment Center District# Plan. The District Plan includes the following map:

Special Garment Center District and Subdistricts

The map is located in Appendix A of this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

121-03 - Subdistricts

LAST AMENDED
12/20/2018

In order to carry out the purposes and provisions of this Chapter, two Subdistricts, A1 and A2 are established within the #Special Garment Center District#. The location of the Subdistricts is shown on the map (Special Garment Center District and Subdistricts) in Appendix A of this Chapter.

121-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/20/2018

The #use# regulations of the applicable underlying district shall apply except as set forth in this Section.

121-11 - Transient Hotels and Offices

LAST AMENDED
12/20/2018

For a #building# subject to the provisions of Section [121-60](#) (ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2) and for which #HPD# issued a #certification of no harassment# that was in effect on June 11, 2018, a special permit pursuant to Section [74-802](#) (Transient hotels within Commercial Districts) shall not be required where such #building# is #enlarged# and a portion of which is subsequently converted to #residences# pursuant to Article I, Chapter 5 (Residential Conversions Within Existing Buildings), provided all new #transient hotel# rooms shall be located in the #enlarged# portion of such #building#, and except for #transient hotel# lobbies and #accessory# #uses# located below the floor level of the second #story#, the non-#enlarged# portion of such #building# shall contain only permanently affordable #residences# pursuant to a #regulatory agreement# enforceable by #HPD#.

In Subdistrict A-2, any #development# or #enlargement# that includes offices, as listed in Section [32-15](#) (Use Group 6B) #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section [93-13](#) (Special Office Use Regulations).

121-12 - C6-4M Districts in Subdistrict A-2

LAST AMENDED
12/20/2018

In the C6-4M District located within Subdistrict A-2, for #buildings# existing on January 19, 2005, the #use# regulations of the underlying district shall be modified as follows:

- (a) For #buildings# with less than 70,000 square feet of #floor area#, the provisions of Section [15-20](#) (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS), inclusive, shall not apply to the #conversion# of non-#residential# #floor area# to #residences#. In lieu thereof, Section [15-10](#) (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS), inclusive, shall apply; and
- (b) for #buildings# with 70,000 square feet or more of #floor area#, the #conversion# of non-#residential# #floor area# to #residences#, or to college or school student dormitories and fraternity or sorority student houses shall not be permitted.
- (c) The following #uses# and #uses# #accessory# to such #uses# shall be allowed:

(1) From Use Group 16A:

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Tool, die or pattern making establishments or similar small machine shops

(2) From Use Group 16D:

Packing or crating establishments

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment

Warehouses

Wholesale establishments, with no limitation on #accessory# storage

(3) From Use Group 17B:

All #uses#

121-13 - M1-6 District in Subdistrict A-1

LAST AMENDED

12/20/2018

In the M1-6 District located within Subdistrict A-1, #uses# listed in Use Group 18 shall not be permitted.

121-20 - SIGN REGULATIONS

LAST AMENDED

12/20/2018

In the #Special Garment Center District#, all #signs# shall be subject to the regulations applicable in C6-4 Districts, as set forth in Section [32-60](#) (SIGN REGULATIONS). However, in Subdistrict A-2, #flashing signs# shall not be permitted.

121-30 - SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-1

LAST AMENDED

12/20/2018

The following special #bulk# regulations shall apply within Subdistrict A-1, as shown in Appendix A of this Chapter.

121-31 - Maximum Permitted Floor Area Within Subdistrict A-1

LAST AMENDED

12/20/2018

The basic maximum #floor area ratio# of a #zoning lot# shall be as specified for the underlying district in Section [43-12](#) (Maximum Floor Area Ratio) and may be increased only pursuant to Section [43-13](#) (Floor Area Bonus for Public Plazas). No #public plaza#, or any part thereof, shall be permitted on or within 100 feet of a #wide street#. The provisions of Section [43-14](#)

(Floor Area Bonus for Arcades) shall not apply.

121-32 - Height of Street Walls and Maximum Building Height Area Within Subdistrict A-1

LAST AMENDED

12/20/2018

In Subdistrict A-1, the underlying height and setback regulations set forth in Sections [43-43](#) (Maximum Height of Front Wall and Required Front Setbacks) and [43-44](#) (Alternate Front Setbacks) shall not apply. In lieu thereof, the following provisions shall apply:

(a) #Street wall# location

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the maximum base height specified in paragraph (b) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. In addition, the #street wall# location provision of this paragraph shall not apply along such #street line# occupied by a #public plaza# as set forth in Section [37-70](#) (PUBLIC PLAZAS).

(b) Base height

(1) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and may rise to a maximum base height of 155 feet.

However, where the height of an existing adjacent #street wall# fronting on the same #street line# rises to a height exceeding 155 feet before setback, the maximum base height may be increased to the height of such existing adjacent #street wall# but shall not exceed a base height of 205 feet. In addition, where existing adjacent #street walls# on both sides of the #building# rise to a height exceeding 155 feet before setback, the maximum base height of such #building# may be increased to the higher of the two existing adjacent #street walls#, except in no instance shall the base height of such #building# exceed 205 feet.

(2) Along #narrow streets#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and may rise to a maximum base height of 135 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may be applied along a #narrow street# beyond 50 feet of a #wide street#, up to a maximum of 100 feet from such #wide street#.

(c) Required setbacks

(1) Along #wide streets#

For #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#, the portion of such #building# above the applicable maximum base height set forth in paragraph (b)(1) of this Section, shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. Above such required setback, any portion of a #building# on the #zoning lot# shall be considered a “tower.”

(2) Along #narrow streets#

For #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#, the portion of such #building# above the applicable maximum base height set forth in paragraph (b)(2) of this Section shall be set back from the #street wall# of the #building# at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. Above such required setback, any portion of a #building# on the #zoning lot# shall be considered a “tower.”

(d) Tower Regulations

Each #story# of a tower above the required setback shall not exceed a maximum #lot coverage# of 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section [43-451](#) (Towers on small lots).

(e) Maximum #building# height

No height limit shall apply to towers.

121-40 - SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2

LAST AMENDED
12/20/2018

The following special #bulk# regulations shall apply within Subdistrict A-2, as shown on the map in Appendix A of this Chapter.

121-41 - Maximum Permitted Floor Area Within Subdistrict A-2

LAST AMENDED
10/7/2021

The basic maximum #floor area ratio# of a #zoning lot# containing non-#residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 pursuant to Section [93-31](#) (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section [93-31](#), and pursuant to Section [23-90](#) (INCLUSIONARY HOUSING), as modified

by Section [93-23](#) (Modifications of Inclusionary Housing Program), provided that for every five square feet of #floor area# increase pursuant to Section [93-31](#), there is a #floor area# increase of six square feet pursuant to Section [23-90](#), as modified by Section [93-23](#), inclusive. The maximum #residential# #floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of non-#residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section [93-31](#).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# pursuant to Section [93-31](#) or Section [93-23](#), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

121-42 - Height of Street Walls and Maximum Building Height Within Subdistrict A-2

†

LAST AMENDED
12/6/2023

(a) Height of #street walls#

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet before setback. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet.

For #zoning lots#, or portions thereof, with #street# frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

- (1) where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#; or
- (2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged# #building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph (a), provided that no #building# on the #zoning lot# exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to this paragraph (a).

(b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Sections [33-45](#) (Tower Regulations) or [35-64](#) (Special Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
- (2) permitted obstructions, as listed in Section [33-42](#), may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section [23-623](#) (Permitted obstructions in certain districts), may penetrate the #sky exposure plane#.

On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.

121-50 - PARKING PROVISIONS FOR SUBDISTRICT A-2

LAST AMENDED
12/20/2018

Within Subdistrict A-2, as shown on the map in Appendix A of this Chapter, the underlying parking provisions shall not apply. In lieu thereof, the parking regulations of the #Special Hudson Yards District#, as set forth in Section [93-80](#) (OFF-STREET PARKING REGULATIONS) shall apply.

121-60 - ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2

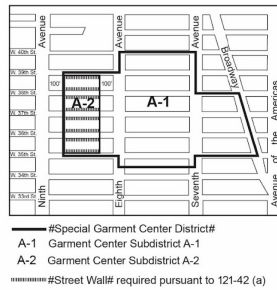
LAST AMENDED
12/20/2018

In Subdistrict A-2, the provisions of Section [93-90](#) (HARASSMENT) and Section [93-91](#) (Demolition), inclusive, shall apply.

Appendix A - Special Garment Center District and Subdistricts

LAST AMENDED

6/29/2010





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 2 - Special Grand Concourse Preservation District (C)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 2 - Special Grand Concourse Preservation District (C)

122-00 - GENERAL PURPOSES

LAST AMENDED

9/28/1989

The "Special Grand Concourse Preservation District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

- (a) to protect the existing scale and form of development and the traditional residential character of the Grand Concourse including desirable design features of certain buildings through the establishment of design guidelines for renovation or alteration;
 - (b) to encourage new development which is in keeping with the scale and character of the area by providing for street wall continuity and bulk regulations consistent with existing development along the Grand Concourse;
 - (c) to preserve and enhance the residential character of the Grand Concourse by limiting ground floor retail and commercial uses to certain specified locations;
 - (d) to regulate the location of retail and commercial signage; and
 - (e) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby to protect the City's tax revenues.
-

122-01 - Definitions

LAST AMENDED

2/2/2011

Display window

A "display window" is a window or opening in the exterior wall of any portion of a #building# which is glazed with tinted or transparent material and which is used to display merchandise, services or business.

Sign band

A "sign band" is a horizontal band which extends the full length of the #street wall# of a #building#, and is located between 8 feet and 14 feet above #curb level#.

122-02 - General Provisions

LAST AMENDED

10/7/2021

Except as modified by the express provisions of the #Special Grand Concourse Preservation District#, the regulations of the underlying zoning districts shall remain in effect.

For #transit-adjacent sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

122-03 - District Plan

LAST AMENDED
3/26/1992

(a) In the District Plan as shown in Appendix A, the following areas have been designated as the Residential Preservation Area:

- (1) all areas in R8 Districts including areas mapped C1 within these R8 Districts which are:
 - (i) within 100 feet of the westerly #street line# of the Grand Concourse between East 153rd Street and Mosholu Parkway; and
 - (ii) within 100 feet of the easterly #street line# of the Grand Concourse between East 153rd Street and a point parallel to and 150 feet north of East 166th Street, and between McClellan Street and Mosholu Parkway;
- (2) an area partly in R8 and C1 Districts with a depth of 100 feet from the west side of the #street line# of Walton Avenue between East 161st and East 164th Streets; and
- (3) an area in R8 Districts with a depth of 100 feet from the east side of the #street line# of Anthony Avenue between East 181st Street and East 182nd Street.

Within the Residential Preservation Area in R8 Districts, the following three commercial sub-areas have special #use# and #bulk# regulations:

- (i) Limited Commercial Areas
- (ii) Commercial Extension Areas
- (iii) Commercial Infill Sites

(b) The location of these sub-areas is described below:

- (1) Limited Commercial Areas

The following areas with a depth of 50 feet from the #street line# of the Grand Concourse are designated on the District Plan (Appendix A) as Limited Commercial Areas:

- (i) on the west side of the Grand Concourse from the south side of East 176th Street to a point 25 feet north of Henwood Place;
 - (ii) on the west side of the Grand Concourse from a point 40 feet north of Bush Street to the south side of Burnside Avenue;
 - (iii) on the west side of the Grand Concourse from 100 feet north of East 180th Street to a point 180 feet south of East 183rd Street; and
 - (iv) on the east side of the Grand Concourse from the north side of East 182nd Street to a point 180 feet south of East 183rd Street.
- (2) Commercial Extension Areas

Along certain cross-streets within the Residential Preservation Area, extensions of existing Commercial Districts up to the Grand Concourse to a depth of 100 feet measured perpendicularly from the street line of such cross-streets, are designated as Commercial Extension Areas on the District Plan (Appendix A). These extension areas are located along the following streets:

- (i) the north and south sides of East 165th Street, west of the Grand Concourse;
 - (ii) the north and south sides of East 167th Street, east of the Grand Concourse;
 - (iii) the north and south sides of East 170th Street, east and west of the Grand Concourse; and
 - (iv) the north and south sides of Mount Eden Avenue, west of the Grand Concourse.
- (3) Commercial Infill Sites

All tax lots listed in Table A in Section 122-10 which contain buildings designed for non-residential uses in Use Groups 6 or 7 or where such buildings existed as of July 1, 1981 are designated as Commercial Infill Sites on the District Plan (Appendix A).

122-10 - SPECIAL USE REGULATIONS

LAST AMENDED
2/2/2011

In order to preserve the residential character of the Special District, the applicable use regulations of the underlying districts are modified, as follows:

- (a) Within the Limited Commercial Areas, commercial uses listed in Section 32-15 (Use Group 6) are permitted, provided they are located only on the ground floor of an existing or new building containing residential or community facility uses. All existing or new commercial uses shall be directly accessible only from the street. Any existing commercial use which fails to provide direct access from a street shall be terminated one year after September 28, 1989.
- (b) On a cross-street within the Commercial Extension Areas, commercial uses listed in Section 32-15 are permitted to occupy the ground floor of an existing or new building containing residential or community facility uses. Such ground floor commercial uses may be permitted to extend up to the Grand Concourse on the basement level of a building, provided that such commercial uses are accessible only from a cross-street which intersects the Grand Concourse. No direct or indirect access to such commercial uses is permitted from the Grand Concourse.
- (c) Any commercial use which lawfully existed on or before July 1, 1981, on any Commercial Infill Site listed in Table A, shall be considered conforming and may be changed to a Use Group 6 use or to a use which previously occupied the space lawfully on or before July 1, 1981, except that expansion or re-occupancy of floor area to a retail use in Use Group 6A or 6C is restricted to the ground floor of the building.

However, if a building on a Commercial Infill Site contains an entrance from the Grand Concourse as well as from the cross-street running underneath the Concourse, such entrance floors at both street levels may be occupied by retail uses listed in Use Group 6 if they were in existence prior to July 1, 1981, as a lawful use. In those cases, the use of the remaining stories of such building shall be limited to business, professional or governmental offices or to ambulatory diagnostic or treatment health care facilities as set forth in Use Group 4A or Use Group 6B, regardless of the locational restrictions in Use Group 4.

TABLE A

COMMERCIAL INFILL SITES

| Tax Block Number | Tax Lot Number | Address | Type of #Building# |
|------------------|----------------|---------------------------|--------------------------|
| 2468 | 1 | 851 Grand Concourse | Courthouse |
| 2821 | 11 | 1526 Grand Concourse | 1 #story# #commercial# |
| 2821 | 13 | 1540 Grand Concourse | Vacant lot |
| 2822 | 27 | 1775 Grand Concourse | Telephone Co. #building# |
| 2795 | 14 | 1780 Grand Concourse | Office #building#/garage |
| 2805 | 23 | 1845 Grand Concourse | 1 #story# #commercial# |
| 2801 | 7 | 1850 Grand Concourse | 2 #story# #commercial# |
| 2808 | 44 | 1963 Grand Concourse | Funeral home |
| 2808 | 82 | 2029-2043 Grand Concourse | 1 #story# #commercial# |
| 3161 | 25 | 2101 Grand Concourse | 1 #story# #commercial# |
| 3157 | 32 | 2202-2206 Grand Concourse | 1 #story# #commercial# |
| 3163 | 40 | 2231-2233 Grand Concourse | 1 #story# #commercial# |
| 3158 | 16 | 2262-2268 Grand Concourse | 1 #story# #commercial# |
| 3163 | 38 | 2235-2239 Grand Concourse | 1 #story# #commercial# |
| 3307 | 68 | 3000 Grand Concourse | Funeral home |
| 3315 | 51 | 2833-2843 Grand Concourse | 1 #story# #commercial# |

| | | | |
|------|----|------------------------|------------------------|
| 2808 | 82 | 148 E. Burnside Avenue | 1 #story# #commercial# |
|------|----|------------------------|------------------------|

- (d) For the purposes of this Chapter, any non-#residential uses# permitted pursuant to paragraphs (a) through (c) of this Section shall be located only on a #story# below the lowest #story# occupied by a #residential use#, except that this limitation shall not preclude the location of any such non-#residential use# below the level of the first #story# ceiling.

122-20 - SPECIAL SIGN REGULATIONS

LAST AMENDED

9/14/2016

In order to enhance the visual quality of the Special District, the applicable #sign# regulations of the underlying districts are modified, as follows:

- (a) Within the Limited Commercial Areas, only one #sign#, other than an #advertising sign#, with a surface area not exceeding 12 square feet, shall be permitted per #commercial# #use#. Such #signs# shall be located in a #sign band#, on the flap of a canopy, or as allowed under paragraph (d) of this Section. The height of such #signs# shall be not more than 24 inches and the letter sizes shall be restricted to a height of 12 inches. Except as provided in paragraph (d), all such #signs# may not project from the vertical surface of a #building# more than 18 inches.
- (b) Within the Commercial Extension Areas, no #signs# and no #display windows# shall be permitted on a #building or other structure# within 50 feet of the Grand Concourse. #Commercial# #uses# which are located on a cross-street beyond a distance of 50 feet from the Grand Concourse #street line#, shall comply with the #sign# regulations applicable to the underlying #Commercial District#.
- (c) On Commercial Infill Sites, the maximum surface area to be occupied by a #sign#, other than an #advertising sign#, shall be three square feet for every five feet of store frontage or 12 square feet, whichever is greater. Such #signs# shall be located in a #sign band# or on the flap of a canopy, or as allowed under paragraph (d). On portions of Commercial Infill Sites more than 50 feet from the Grand Concourse, the signage regulations of a C1 District shall apply.
- (d) Except in C1 Districts, no #sign# may be located so as to obscure any decorative lintel, cornice or other architectural detail. In the event that compliance with this requirement does not provide adequate surface area for the allowable #sign#, as defined in paragraph (a) of this Section, a projecting #sign# may be permitted by the Commissioner of Buildings provided that no such #sign# shall project from the vertical surface of a #building# more than 18 inches.
- (e) Except in C1 Districts, no banners, pennants, #flashing# or #illuminated signs# shall be permitted anywhere within the Special District. In addition, within Commercial Infill Sites north of the Cross Bronx Expressway, as shown on the map in Appendix A of this Chapter, #signs with indirect illumination# shall be permitted on the Grand Concourse #street# frontage of a #building#.
- (f) Within the Limited Commercial Areas, Commercial Infill Sites, and Commercial Extension Areas within 50 feet of the Grand Concourse, window graphics shall occupy not more than 20 percent of a window. Display lettering more than three inches high shall be considered as a #sign#.
- (g) All lawfully existing #non-conforming# #signs# located within the Special District shall be terminated one year after September 28, 1989.

122-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
2/2/2011

In order to preserve the scale and character of the Grand Concourse, the #bulk# regulations of the underlying R8 District and the C1 or C2 Districts mapped within such R8 District shall be inapplicable to any #residential# or #community facility# #developments# or #enlargements# located within the Special District.

In lieu thereof, such #developments# or #enlargements# shall comply with the regulations of an R8X District, including Article II, Chapter 8.

If a #commercial# #development# is constructed on a vacant Commercial Infill Site previously occupied by a #commercial building# on or before July 1, 1981, or an existing #commercial building# located on a Commercial Infill Site is replaced by a #commercial# #development#, the height, #lot coverage# and #floor area# of the #commercial# #development# shall not exceed the height, #lot coverage# and #floor area# of the #building# it replaced. However, if a #residential# or #community facility building# is constructed on any Commercial Infill Site or when such sites become a part of the adjoining #zoning lot#, it shall be subject to the R8X District regulations. No #mixed buildings# or #enlargement# of existing #buildings# shall be permitted on any Commercial Infill Sites.

122-40 - SPECIAL REGULATIONS FOR LOCATION OF NEW DOORS AND WINDOWS

LAST AMENDED
9/28/1989

If any new doors or windows are installed on the exterior walls of a #building#, they shall be uniform in width and shall be aligned with existing doors and windows.

122-50 - SPECIAL PROVISIONS FOR PLANTING STRIPS

LAST AMENDED
2/2/2011

For #developments# or #enlargements#, there shall be a strip of continuous planting at grade of not less than three feet in width along the entire front wall of such #development# or such #building# that is #enlarged#. In the event a #building# is constructed within three feet of the #street line#, the owner of the #building# shall apply to the Bureau of Highway Operations for permission to locate a portion of such planting strips on a public sidewalk within the #street line#. A copy of such application shall be submitted with the new building application when filed at the Department of Buildings. Such sidewalk planting requirement may be waived by the Department of Buildings only upon receipt of written disapproval by the Department of Transportation.

122-60 - SPECIAL ACCESSORY OFF-STREET PARKING REGULATIONS

LAST AMENDED
2/2/2011

In the Residential Preservation Area, the parking requirements of the underlying districts shall be inapplicable. In lieu thereof, the #accessory# off-street parking regulations of R8X Districts shall apply to #developments# or #enlargements#.

If a #commercial# #development# is constructed on a vacant Commercial Infill Site previously occupied by a #commercial building# on or before July 1, 1981, or an existing #commercial building# located on a Commercial Infill Site is replaced by a #commercial# #development#, the number of #accessory# off-street parking spaces provided by the #commercial# #development# shall be equal to or greater than the number of #accessory# off-street parking spaces provided by the #building#

it replaced.

122-70 - SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

LAST AMENDED
9/28/1989

Notwithstanding any other provisions of this Resolution, whenever a #zoning lot# existing on September 28, 1989, is divided by a boundary between a district to which R8X District regulations apply and one to which R8 District regulations apply, the provisions of an R8X District shall apply to the entire #zoning lot#.

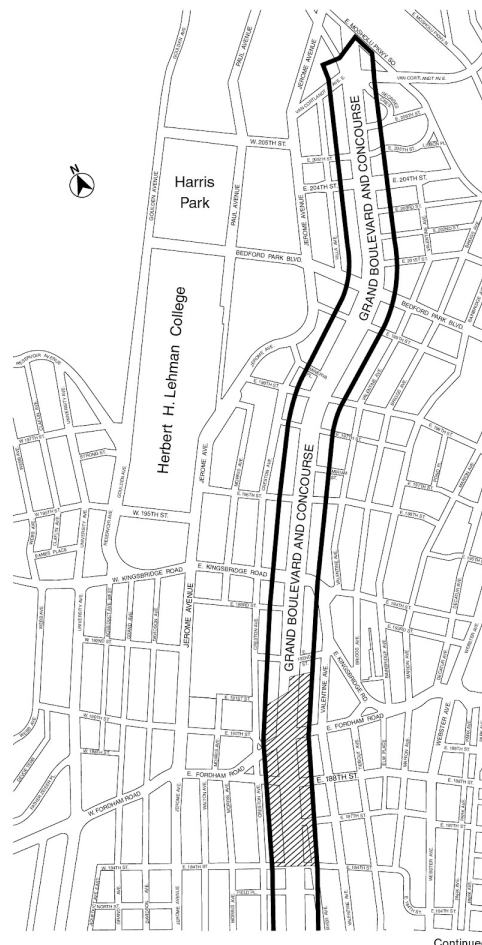
122-80 - EXCLUDED AREAS

LAST AMENDED
2/2/2011

The regulations set forth in this Chapter shall not apply to C4 Districts and C8 Districts located within the #Special Grand Concourse Preservation District#.

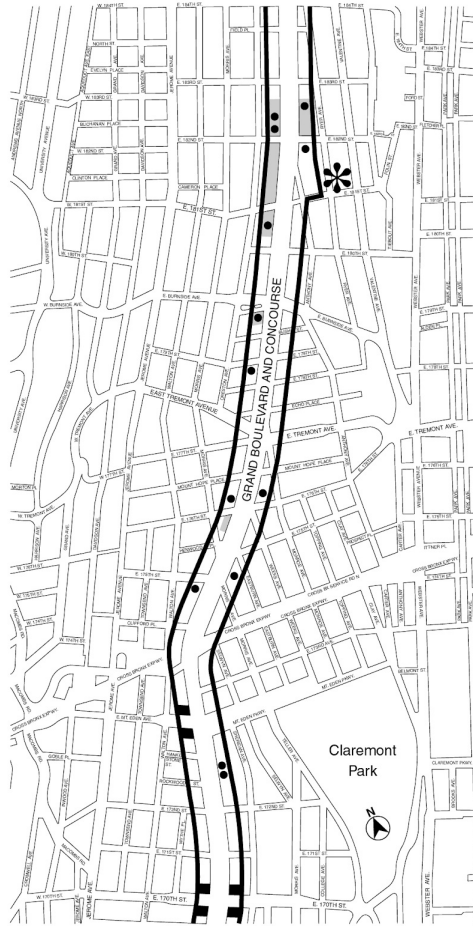
Appendix A - Special Grand Concourse Preservation District

LAST AMENDED
3/26/1992

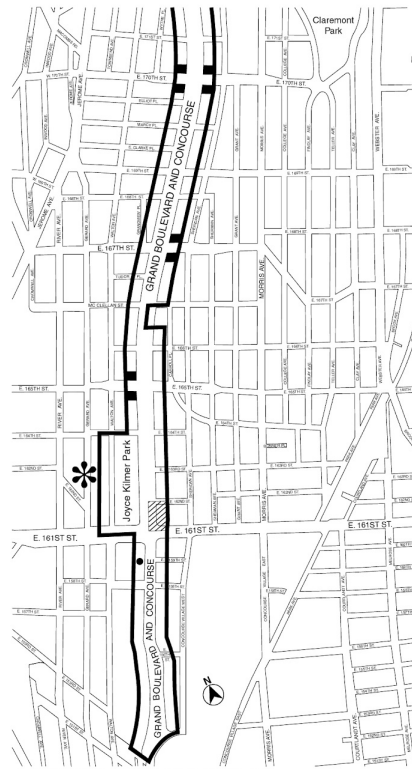


Continued


Appendix A (continued)



Continued




GRAND CONCOURSE DISTRICT PLAN

— Special Grand Concourse District Boundary (100 feet from Street Line of Grand Concourse except as indicated by )

 Area Excluded From Special Grand Concourse District Boundary (All C4 Districts)

 Residential Preservation Areas – Section 122-03 (a)

 Limited Commercial Areas – Section 122-03 (b)(1)

 Commercial Extension Areas – Section 122-03 (b)(2)

 Commercial Infill Sites (See Table A) – Section 122-03 (b)(3)



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 3 - Special Mixed Use District (MX)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 3 - Special Mixed Use District (MX)

123-00 - GENERAL PURPOSES

LAST AMENDED
12/10/1997

The "Special Mixed Use District" regulations established in this Chapter of the Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area;
 - (b) to promote the opportunity for workers to live in the vicinity of their work;
 - (c) to create new opportunities for mixed use neighborhoods;
 - (d) to recognize and enhance the vitality and character of existing and potential mixed use neighborhoods; and
 - (e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings and thereby protect City tax revenues.
-

123-10 - GENERAL PROVISIONS

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

In #Special Mixed Use Districts#, an M1 District is paired with a #Residence District#, as indicated on the #zoning maps#.

The designated #Residence Districts# in #Special Mixed Use Districts# shall not include either an R1 or an R2 District.

123-11 - Definitions

LAST AMENDED
2/2/2011

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section [12-10](#) (DEFINITIONS).

Accessory use

In addition to those "accessory uses" listed in Section [12-10](#) (DEFINITIONS), for the purposes of this Chapter, an #accessory

use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in #Special Mixed Use Districts#, pursuant to Section [123-20](#) (SPECIAL USE REGULATIONS), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

Home occupation

For the purposes of this Chapter, the #home occupation# provisions of Section [12-10](#) shall apply, except that:

- (a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;
- (b) such #home occupation# may occupy more than 500 square feet of #floor area#; and
- (c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

Mixed use building

For the purposes of this Chapter, a "mixed use building" is a #building# in the #Special Mixed Use District# used partly for #manufacturing#, #commercial# or #community facility use# and partly for #residential use#.

123-20 - SPECIAL USE REGULATIONS

LAST AMENDED
12/10/1997

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section and provided that #signs# shall comply with the requirements of Section [123-40](#) (SIGN REGULATIONS).

123-21 - Modification of Use Groups 2, 3 and 4

LAST AMENDED
9/9/2004

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories and fraternity or sorority student houses, #long-term care facilities#, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a licensed architect or engineer to the Department of Buildings that such #manufacturing# or #commercial# #use#:

- (a) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous

Substances.

123-22 - Modification of Use Groups 16, 17 and 18

LAST AMENDED

12/10/1997

The #uses# in Use Groups 16, 17 and 18 shall be permitted in the #Special Mixed Use District# in accordance with the applicable district #use# regulations, subject to the modifications of Sections [123-221](#) (Uses permitted as-of-right), [123-222](#) (Uses permitted with restrictions) and [123-223](#) (Excluded uses).

123-221 - Uses permitted as-of-right

LAST AMENDED

12/10/1997

From Use Group 16A:

Automobile, motorcycle, trailer or boat sales, open or enclosed

Building materials sales, open or enclosed, limited to 10,000 square feet of #lot area# per establishment, provided that not more than 5,000 square feet of such #lot area# is used for open storage

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing, or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of #lot area# per establishment

Glass cutting shops

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Ice or wood sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment

Machinery rental or sales establishments

Motorcycle or motor scooter rental establishments

Poultry or rabbit killing establishments, for retail sale on the same #zoning lot# only

Riding academies, open or enclosed

Stables for horses

Trade schools for adults, except those using substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# repairs, excluding body repair

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than 10 automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

From Use Group 16C:

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps

Dead storage of motor vehicles

From Use Group 16D:

Diaper supply establishments

Laundries, except medical or laboratory

Linen or towel supply establishments, where cleaning is done on a separate #zoning lot#

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Packing or crating establishments, except for the packing or crating of substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment

Warehouses, except for the warehousing of substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments, with no limitation on #accessory# storage, except for wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, if they are stored on the same #zoning lot#

From Use Group 17A:

Building materials or contractor's yards, open or enclosed, including sales, storage or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment, and provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Produce or meat markets, wholesale

From Use Group 17B (Manufacturing Establishments):

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Bottling work, for all beverages

Canvas products, not involving the manufacturing of canvas

Cork products

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Ice, natural

Jute, hemp, sisal or oakum products

Mattresses, including rebuilding or renovating

Scenery construction

Shoddy

Soap or detergents, packaging only

Textiles, spinning, weaving, manufacturing, knit goods, yarn, thread or cordage, not involving printing or dyeing

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Wax products

From Use Group 17C:

Agriculture, including greenhouses, nurseries or truck gardens

Docks for passenger ocean vessels

Docks for sightseeing, excursion or sport fishing vessels, with no limitation on vessel or dock capacity

Docks for vessels not otherwise listed

Public transit, railroad or electric utility substations, open or enclosed, with no limitations as to size

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Truck weighing stations, open or enclosed

Trucking terminals or motor freight stations, with no limitation on #lot area# per establishment

From Use Group 18:

Breweries, limited to 10,000 square feet of #floor area# per establishment

#Uses# #accessory# to the preceding listed #uses#

123-222 - Uses permitted with restrictions

LAST AMENDED
9/9/2004

The following #uses# from Use Groups 16 and 17 are permitted in #Special Mixed Use Districts# subject to the certification requirements and locational restrictions of this Section:

From Use Group 16A:

Animal hospitals or kennels

Blacksmith shops

Carpentry, custom woodworking or custom furniture making shops

Fuel, oil, or coal sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment

Mirror silvering shops

Sign painting shops, with no limitation on #floor area# per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die, or pattern-making establishments, or similar small machine shops

Trade schools for adults, that use substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# body repairs, provided such #use# is conducted within a #completely enclosed building#

From Use Group 16D:

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment

Laundries, medical or laboratory

Linen or towel supply establishments, where cleaning is done on the same #zoning lot#

Packing or crating establishments for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Photographic developing or printing, with no limitation on #floor area# per establishment

Warehouses for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, with no limitation on #accessory# storage

From Use Group 17B (Manufacturing Establishments):

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

Automobiles, trucks or #trailers#, including parts or rebuilding of engines

Beverages, non-alcoholic

Boats less than 200 feet in length, building or repair, open or enclosed, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 200 feet from a #Residence District# boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a #Residence District# boundary

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packaging

Ice, dry

Ink or inked ribbon

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar

products

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Silverware, plate or sterling

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, dyeing or printing

Tobacco, including curing, or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

#Uses accessory# to the preceding listed #uses#

Any #use# from Use Group 16 or 17, listed in this Section, may only locate in a #building# #enlarged# or #developed# after December 10, 1997, containing a #use# listed in Section [123-21](#) (Modification of Use Groups 2, 3 and 4), or share a common wall with such #building#:

- (a) upon certification by a licensed architect or engineer to the Department of Buildings that any such #use# listed in Use Group 16 or 17:
 - (1) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
 - (2) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances; or
- (b) in MX-19, upon the submission to the Department of Buildings of a copy of a restrictive declaration, in a form acceptable to the Department of Environmental Protection, that has been executed and recorded in the Office of the City Register against all tax lots with such #use#, binding the owners, successors, and assigns to provide any building design requirements consistent with the underlying zoning as may be approved by the Department of Environmental Protection to protect residents of such #building# from air contaminants, odors, vibrations, or noise.

123-223 - Excluded uses

LAST AMENDED
12/10/1997

The following #uses# listed in Use Groups 16 and 18 shall not be allowed in #Special Mixed Use Districts#:

From Use Group 16A:

Animal pounds or crematoriums

Crematoriums, human

From Use Group 16C:

Public transit yards, open or enclosed, including accessory motor fuel pumps

From Use Group 18:

Any #use# listed in Use Group 18, except that breweries limited to 10,000 square feet of #floor area# shall be permitted as-of-right

#Uses accessory# to the preceding listed #uses#

123-23 - Modification of Special Permit Requirements

LAST AMENDED
12/10/1997

In the event that provisions of this Resolution permit a #use# by special permit, authorization or certification in both designated

M1 and #Residence Districts#, no more than one special permit, authorization or certification is required to permit any such #use# in the #Special Mixed Use District#.

In the event that a provision of this Resolution permits a #use# by special permit, authorization or certification in either a designated M1 or #Residence District# and another provision permits such #use# without a special permit, authorization or certification in the other designated district, no special permit, certification or authorization shall be required in the #Special Mixed Use District#. In such case, the #bulk# regulations of the district allowing the #use# as-of-right shall control.

123-30 - SUPPLEMENTARY USE REGULATIONS

LAST AMENDED
12/10/1997

123-31 - Provisions Regulating Location of Uses in Mixed Use Buildings

LAST AMENDED
2/2/2011

In #Special Mixed Use Districts#, in any #building# or portion of a #building# occupied by #residential uses#, #commercial# or #manufacturing uses# may be located only on a #story# below the lowest #story# occupied by #dwelling units#, except that this limitation shall not preclude the:

- (a) extension of a permitted business #sign#, #accessory# to such non-#residential use#, to a maximum height of two feet above the level of a finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#;
- (b) location of #commercial# or #manufacturing uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, in #buildings# in existence on or prior to December 10, 1997, that are partially #converted# to #residential use# pursuant to paragraph (a) of Section [123-67](#) (Residential Conversion), or were previously so #converted# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings); or
- (c) location of #commercial# or #manufacturing uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that the #commercial# or #manufacturing uses# are:
 - (1) located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
 - (2) not located directly over any portion of a #building# containing #dwelling units#.

123-32 - Environmental Conditions

LAST AMENDED
12/10/1997

In #Special Mixed Use Districts#, all new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation to maintain an interior noise level of 45dB(A) or less, with windows closed, and shall provide an alternate means of ventilation. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section [11-15](#) (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or

temporary or final certificate of occupancy.

123-33 - Health and Fitness Establishments

LAST AMENDED 12/9/2021

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a certificate of occupancy that such high-intensity #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

123-40 - SIGN REGULATIONS

LAST AMENDED

8/16/2006

In #Special Mixed Use Districts#, the provisions regulating #signs# in C6-1 Districts, as set forth in Section [32-60](#) (SIGN REGULATIONS), shall apply for any #sign#. For the purposes of applying such regulations in #Special Mixed Use Districts#, all references to #mixed buildings# shall include #mixed use buildings#.

In MX-9 Districts, the provisions of this Section shall apply, except that the City Planning Commission may permit the modification of the applicable provisions of Sections [32-64](#) (Surface Area and Illumination Provisions) and [32-65](#) (Permitted Projection or Height of Signs), provided the Commission finds that such #signs# are consistent with the character of the surrounding area. However, no modification shall be made to the applicable provisions of Section [32-644](#) (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) relating to #flashing signs#.

123-50 - MODIFICATION OF ARTICLE V, CHAPTER 2 (NON-CONFORMING USES)

LAST AMENDED

12/10/1997

In #Special Mixed Use Districts#, a #non-conforming use# may be changed only to a conforming #use#.

The following Sections of Article V, Chapter 2 (Non-conforming Uses), shall not apply: Sections [52-32](#) through [52-37](#), inclusive; Sections [52-43](#) through [52-46](#), inclusive; Sections [52-54](#), [52-56](#), [52-62](#), [52-72](#), [52-731](#), [52-732](#), [52-74](#), and [52-75](#).

123-60 - SPECIAL BULK REGULATIONS

123-61 - General Provisions

All #buildings or other structures# on #zoning lots# within the #Special Mixed Use District# shall comply with the #bulk# regulations of this Chapter.

In #Special Mixed Use Districts#, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure#, and the #bulk# regulations set forth in paragraph (a) of Section [24-013](#) (Special provisions for certain community facility uses) shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. The #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and other #community facility uses# in a #building or other structure#. Exceptions to the applicability of such underlying #bulk# regulations are set forth in Sections [123-60](#) through [123-66](#), inclusive. Where, pursuant to paragraph (a) of Section [24-013](#), #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, the exceptions to the underlying #bulk# regulations set forth in this Chapter applicable to #affordable independent residences for seniors# shall also apply to #long-term care facilities#.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

123-62 - Maximum Floor Area Ratio for Community Facilities

The maximum #floor area ratio# permitted for a #community facility use# pursuant to Article IV, Chapter 3, shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for a #community facility use# shall be the maximum #floor area ratio# allowed for a #community facility use# pursuant to the designated #Residence District# regulations set forth in Section [24-10](#) (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive. #Lot coverage# requirements shall not apply.

When the designated district is an R7-3 District, the maximum #floor area ratio# for a #community facility use# shall be 5.0.

When the designated district is an R9-1 District, the maximum #floor area ratio# for a #community facility use# shall be 9.0.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section [62-11](#). In lieu thereof, the applicable maximum #floor area ratio# set forth for #community facility uses# in Section [62-30](#) (SPECIAL BULK REGULATIONS) through [62-32](#) (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

123-63 - Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section [23-151](#) (Basic regulations for R6 through R9 Districts) shall not apply. In lieu

thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections [23-153](#) (For Quality Housing buildings) or [23-155](#) (Affordable independent residences for seniors), as applicable.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section [62-11](#). In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Sections [62-30](#) (SPECIAL BULK REGULATIONS) through [62-32](#) (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section [23-154](#) (Inclusionary Housing). The locations of such districts are specified in [APPENDIX F](#) of this Resolution.

| #Special Mixed Use District# | Designated #Residence District# |
|--|---------------------------------|
| MX-1 – Community District 1, The Bronx | R6A R7D |
| MX 2 - Community District 2, Brooklyn | R7A R8A R8X |
| MX 4 – Community District 3, Brooklyn | R6A |
| MX 8 - Community District 1, Brooklyn | R6 R6A R6B R7A R7D R7X |
| MX 11 - Community District 6, Brooklyn | R7-2 |
| MX 13 – Community District 1, The Bronx | R6A R7A R7X R8A |
| MX 14 - Community District 6, The Bronx | R7A R7X |
| MX 16 - Community Districts 5 and 16, Brooklyn | R6A R7A R7D R8A |
| MX 18 - Community District 1, The Bronx | R7X |
| MX 19 - Community District 16, Brooklyn | R6A R7A |

| | |
|--|----------------------|
| MX 20 - Community District 8, Brooklyn | R7A |
| MX 22 – Community District 4, Brooklyn | R7D |
| MX 23 – Community District 1, Queens | R6A R7A |
| MX 24 – Community District 1, Queens | R6A R7-3 R7X R9 R9-1 |
| MX 25 – Community District 6, Brooklyn | R6B |

123-64 - Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings

LAST AMENDED
4/20/2016

For #zoning lots# containing #mixed use buildings#, the following provisions shall apply.

(a) Maximum #floor area ratio#

(1) #Manufacturing# or #commercial# #uses#

The maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# under the provisions of Section [43-12](#), in accordance with the designated M1 District.

(2) #Community facility uses#

The maximum #floor area ratio# permitted for #community facility uses# shall be the applicable maximum #floor area ratio# permitted for #community facility uses# in #Residence Districts# under the provisions of Section [24-10](#) (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, in accordance with the designated #Residence District#.

(3) #Residential uses#

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section [23-14](#), inclusive, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section [123-63](#), in accordance with the designated #Residence District#.

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# shall be the maximum #floor area# permitted for

either the #commercial#, #manufacturing#, #community facility# or #residential use#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial#, #community facility# or #manufacturing uses# shall be the base #floor area ratio# set forth in Section [23-154](#) (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing#, pursuant to Section [23-90](#), inclusive.

(b) #Lot coverage# requirements

#Lot coverage# requirements shall not apply.

123-641 - Floor area bonus for a public plaza or arcade in connection with mixed use buildings

LAST AMENDED

2/2/2011

Any #floor area# bonus for a #public plaza# or #arcade#, permitted under the applicable district regulations, shall apply to a #zoning lot# containing a #mixed use building#, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

However, on #waterfront blocks#, as defined in Section [62-11](#), #floor area# bonuses for a #public plaza# or #arcade# shall not apply.

123-65 - Special Yard Regulations

LAST AMENDED

7/26/2001

123-651 - Special yard regulations for residential buildings

LAST AMENDED

7/26/2001

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, for #residential buildings# other than #single-# or #two-family residences#, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet.

123-652 - Special yard regulations for mixed use buildings

LAST AMENDED

2/2/2011

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet; except, if the #mixed use building# contains no more than two #dwelling units#, the open area extending along a #side lot line# may be less than eight feet in width at the level of the #dwelling unit#. For a #residential# portion of a #mixed use building#, the required #rear yard#

shall be provided at the floor level of the lowest #story# containing #dwelling units# where any window of such #dwelling unit# faces onto such #rear yard#.

123-653 - Special yard regulations applying on waterfront blocks

LAST AMENDED

4/22/2009

On #waterfront blocks#, as defined in Section [62-11](#), the #rear yard# regulations of Section [62-33](#) (Special Yard Regulations on Waterfront Blocks) shall apply. However, for #mixed use buildings#, the special #yard# regulations of Section [123-652](#) shall apply.

123-654 - Special provisions applying along district boundaries

LAST AMENDED

4/22/2009

Along such portion of the #Special Mixed Use District# boundary that coincides with a #side lot line# of a #zoning lot# within an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and with a width of at least eight feet shall be required within the #Special Mixed Use District#.

123-655 - Special permitted obstructions in required yards or rear yard equivalents for affordable independent residences for seniors

LAST AMENDED 3/22/2016

A portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residents for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be a permitted obstruction within a #rear yard# or #rear yard equivalent# on #zoning lots# in #Special Mixed Use Districts# with R6 through R10 District designations, provided that the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less, and provided that such space shall be accessible to all residents of the #building#.

123-66 - Height and Setback Regulations

LAST AMENDED

7/14/2022

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the provisions of Section [123-661](#) (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply. On #waterfront blocks#, as defined in Section [62-11](#), where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section [62-34](#), inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section [123-661](#) shall apply.

In #Special Mixed Use Districts# where the designated #Residence District# is an R6 through R10 District, the provisions of Section [123-662](#) (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall apply. However, in certain zoning districts in certain #Special Mixed Use Districts#, such provisions are modified by the special rules of

Section [123-663](#) (Special rules for certain districts in certain Special Mixed Use Districts).

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

123-661 - Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations

LAST AMENDED

7/26/2001

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the height and setback regulations of Sections [23-60](#) and [43-40](#) shall not apply to #mixed use buildings#. In lieu thereof, no #building or other structure# shall exceed a height of 35 feet within 25 feet of a #street line#. Beyond 25 feet of a #street line#, no #building or other structure# shall exceed a height of 60 feet. Notwithstanding the foregoing, the provisions of Sections [23-62](#), [24-51](#) and [43-42](#) (Permitted Obstructions) shall apply to any #mixed use building#.

123-662 - All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

LAST AMENDED

7/14/2022

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections [23-60](#) and [43-40](#) shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, the height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS

| District | Maximum Base Height (in feet) | Maximum #Building# Height (in feet) |
|-----------|-------------------------------|-------------------------------------|
| R6 | 60 | 110 |
| R7-1 R7-2 | 60 | 135 |
| R7-3 | 85 | 185 |
| R8 | 85 | 210 |
| R9 | 85 | 225 |
| R9-1 | 90 | 280 |
| R10 | 110 | 350 |

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section [23-662](#) shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section [23-662](#), the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non-#residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section [26-52](#) (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section [23-663](#). In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section [23-664](#) shall apply. Separate maximum #building# heights are set forth within Sections [23-662](#) and [23-664](#) for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#.

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections [23-62](#), [24-51](#) or [43-42](#). In addition, in all Districts, within a required setback area, a dormer may be provided in accordance with the provisions of paragraph (c)(1) of Section [23-621](#).

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section [62-11](#), shall comply with the height and setback regulations set forth for the designated #Residence District# as set forth in Section [62-34](#) (Height and Setback Regulations on Waterfront Blocks), inclusive.

123-663 - Special rules for certain districts in certain Special Mixed Use Districts

†

LAST AMENDED

7/14/2022

For zoning districts in certain #Special Mixed Use Districts# specified by this Section, the height and setback regulations of paragraphs (a) and (b) of Section [123-662](#) (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall be modified as follows:

- (a) In R8X Districts within #Special Mixed Use District# 2:
- (1) the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the underlying maximum #building# height and setback regulations applicable to an R8A District. For the purposes of this provision, “predominantly” shall mean at least 75 percent of the #floor area# of a #building#; and
 - (2) in Historic Districts designated by the Landmarks Preservation Commission, the maximum base height of a #street wall# may vary between the maximum base height of this Section, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than such maximum base height. For the purposes of this paragraph, a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.
- (b) In R7-2 Districts within #Special Mixed Use District# 15:
- (1) a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet;
 - (2) at least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#; and
 - (3) existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.
- (c) In R6A Districts within #Special Mixed Use District# 23, where such R6A District is paired with an M1-5 District, the underlying height and setback regulations applicable to an R7A District shall apply.

123-67 - Residential Conversion

LAST AMENDED

2/2/2011

- (a) The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings) shall not apply in #Special Mixed Use Districts#, except as expressly set forth herein.

In #Special Mixed Use Districts#, in any community district in the City, the #conversion# to #residences# of non-#residential# portions of #buildings#, in existence on or prior to December 10, 1997, shall be permitted subject to Sections [15-11](#), [15-12](#) and [15-30](#), paragraph (b).

#Uses# in #buildings# in existence on or prior to December 10, 1997, containing both #residential# and non-#residential# uses#, shall not be subject to the provisions of Section [123-31](#) (Provisions Regulating Location of Uses in Mixed Use Buildings).

For the purposes of applying paragraph (a) of Section [15-111](#) to #Special Mixed Use Districts# where the designated #Residence District# is an R3 District, the minimum #floor area# per #dwelling unit# applicable to R4 Districts shall apply.

- (b) The #conversion# to #residences# of non-#residential# portions of #buildings# constructed after December 10, 1997, shall comply with the special #bulk# regulations of this Chapter for new #residential# #development#.

123-70 - PARKING AND LOADING

LAST AMENDED
5/8/2013

For #Special Mixed Use Districts# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply, and for #Special Mixed Use Districts# located within the #Long Island City area#, as defined in Section [16-02](#) (Definitions), the provisions of Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area), inclusive, shall apply. For all other #Special Mixed Use Districts#, the provisions of this Section, inclusive, shall apply.

123-71 - Manufacturing and Commercial Uses

LAST AMENDED
12/10/1997

For #manufacturing# and #commercial# #uses#, the #accessory# off-street parking and loading regulations of the designated M1 District, as set forth in Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations), shall apply.

123-72 - Residential and Community Facility Uses

LAST AMENDED
4/14/2010

For #residences# and #community facility uses#, the #accessory# off-street parking and loading regulations of the designated #Residence District#, as set forth in Article II, Chapter 5, shall apply, except that:

- (a) the provisions of Section [25-50](#) (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES) shall not apply. In lieu thereof, the provisions of Section [44-30](#) (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#; and
- (b) for #buildings# containing #residences# in #Special Mixed Use Districts#, in addition to the applicable #accessory# off-

street parking and loading regulations set forth in Article II, Chapter 5, the provisions of Sections [44-46](#) (Accessory Off-street Parking Spaces in Public Parking Garages), [44-47](#) (Parking Lot Maneuverability and Curb Cut Regulations) and [44-48](#) (Parking Lot Landscaping) shall apply.

123-73 - On Waterfront Blocks

LAST AMENDED
2/2/2011

For #uses# on #waterfront blocks#, as defined in Section [62-11](#), the special #accessory# off-street parking and loading regulations set forth in Section [62-40](#), inclusive, shall apply. When any #use# is permitted in both the designated #Residence District# and the designated M1 District, the #accessory# off-street parking and loading requirements applicable to the designated M1 District shall apply to such #use#.

123-80 - MODIFICATION OF ARTICLE V, CHAPTER 4 (NON-COMPLYING BUILDINGS)

LAST AMENDED
7/26/2001

In Article V, Chapter 4 (Non-complying Buildings), Section [54-311](#) (Buildings containing rooming units), shall not apply.

123-81 - Modification of Planting Strips

LAST AMENDED
4/30/2008

In #Special Mixed Use Districts#, the provisions of Section [26-42](#) (Planting Strips) shall not apply.

123-90 - SPECIAL MIXED USE DISTRICTS SPECIFIED

LAST AMENDED
11/22/2022

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: (12/10/97)

Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 2: (7/29/09)

DUMBO, Brooklyn

The #Special Mixed Use District# - 2 is established in DUMBO in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 4: (5/9/01)

Flushing/Bedford, Brooklyn

The #Special Mixed Use District# - 4 is established in Flushing/Bedford in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 5: (1/30/02)

Red Hook, Brooklyn

The #Special Mixed Use District# - 5 is established in Red Hook in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 6: (7/23/08)

Hudson Square, Manhattan

The #Special Mixed Use District# - 6 is established in Hudson Square in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 7: (8/19/03)

Morrisania, The Bronx

The #Special Mixed Use District# - 7 is established in Morrisania in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 8: (5/11/05)

Greenpoint-Williamsburg, Brooklyn

The #Special Mixed Use District# - 8 is established in Greenpoint-Williamsburg in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 9: (8/16/06)

Northern Hunters Point Waterfront, Queens

The #Special Mixed Use District# - 9 is established in the Northern Hunters Point Waterfront in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 10: (10/29/07)

Atlantic and Howard Avenues, Brooklyn

The #Special Mixed Use District# - 10 is established on Atlantic and Howard Avenues in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 11: (3/11/09)

Gowanus, Brooklyn

The #Special Mixed Use District# - 11 is established in Gowanus in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 12: (10/27/10)

Borough Park, Brooklyn

The #Special Mixed Use District# - 12 is established in Borough Park in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 13: (6/30/09)

Lower Concourse, The Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 14: (10/13/10)

Third Avenue/Tremont Avenue, The Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 15: (11/13/12)

West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 16: (4/20/16)

Ocean Hill/East New York, Brooklyn

The #Special Mixed Use District# - 16 is established in Ocean Hill and East New York in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 17: (3/22/18)

Hunts Point, The Bronx

The #Special Mixed Use District# - 17 is established in Hunts Point in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 18: (10/17/19)

Mott Haven, The Bronx

The #Special Mixed Use District# - 18 is established in Mott Haven in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 19: (12/10/20)

Brownsville, Brooklyn

The #Special Mixed Use District# - 19 is established in Brownsville in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 20: (5/8/19)

Crown Heights West, Brooklyn

The #Special Mixed Use District# - 20 is established in Crown Heights West in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 21: (3/25/21)

Arverne, Queens

The #Special Mixed Use District# - 21 is established in Arverne in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 22: (5/27/21)

Bushwick, Brooklyn

The #Special Mixed Use District# - 22 is established in Bushwick in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 23: (10/21/21)

Ravenswood, Queens

The #Special Mixed Use District# - 23 is established in Ravenswood in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 24: (11/22/22)

Astoria, Queens

The #Special Mixed Use District# - 24 is established in Astoria in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 25: (10/27/22)

Gowanus, Brooklyn

The #Special Mixed Use District# - 25 is established in Gowanus in Brooklyn as indicated on the #zoning maps#.



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 4 - Special Willets Point District (WP)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 4 - Special Willets Point District (WP)

124-00 - GENERAL PURPOSES

LAST AMENDED

11/13/2008

The “Special Willets Point District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to transform Willets Point into a diverse and sustainable community that enhances connections to its surroundings through a unique combination of uses;
- (b) to create a retail and entertainment destination that catalyzes future growth and strengthens Flushing’s role as a nexus of economic, social and cultural activity;
- (c) to encourage a mix of uses that complement sporting venues within Flushing Meadows-Corona Park;
- (d) to maximize utilization of mass transit, reducing the automobile dependency of the redevelopment;
- (e) to create a livable community combining housing, retail and other uses throughout the district;
- (f) to create a walkable, urban streetscape environment with publicly accessible open spaces;
- (g) to encourage the pedestrian orientation of ground floor uses;
- (h) to build upon the diversity of the Borough of Queens as well as the proximity of regional transportation facilities, including the Van Wyck and Whitestone Expressways, LaGuardia and JFK Airports and the Long Island Railroad;
- (i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (j) to promote the most desirable use of land and building development in accordance with the District Plan and Urban Renewal Plan for Willets Point and thus improve the value of land and buildings and thereby improve the City’s tax revenues.

124-01 - General Provisions

LAST AMENDED

5/12/2021

The provisions of this Chapter shall apply within the #Special Willets Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

124-02 - Definitions

LAST AMENDED

11/13/2008

For the purposes of establishing #blocks# and applying the #use#, #signage#, #street# tree, height and setback, #court#, publicly accessible open space and curb cut regulations of this Chapter, #connector streets#, the #eastern perimeter street#, the #primary retail street#, #residential streets#, #retail streets# and #service streets# shall be considered #streets#, and their boundaries shall be treated as #street lines#.

Connector street

A “connector street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#) (Standards for Streets and Blocks), inclusive.

Eastern perimeter street

The “eastern perimeter street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

Primary retail street

The “primary retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

Residential street

A “residential street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

Retail street

A “retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

Service street

A “service street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

124-03 - District Plan and Maps

LAST AMENDED

11/13/2008

District Plan Maps are located within the Appendix to this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth

in the text of this Chapter apply.

The District Plan includes the following five maps:

Map 1 – Special Willets Point District Plan

Map 2 - Location Requirements for Convention Center, Cinema and Office Tower

Map 3 - Height Limits

Map 4 - Locations of Tower Walls without Setbacks

Map 5 - Mandatory Intersections

124-04 - Applicability of District Regulations

LAST AMENDED
11/13/2008

124-041 - Applicability of Article III, Chapter 6

LAST AMENDED
3/28/2012

The provisions of Section [36-76](#) (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special Willets Point District#.

124-042 - Applicability of Article VII, Chapter 3

LAST AMENDED
3/28/2012

The following special permit by the Board of Standards and Appeals shall not be applicable:

Section [73-16](#) (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section [124-16](#).

124-043 - Applicability of Article VII, Chapter 4

LAST AMENDED
3/28/2012

The following special permit by the City Planning Commission shall not be applicable:

Section [74-61](#) (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section [124-16](#).

124-05 - Certification for Large Developments

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#.

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.

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.

124-10 - SPECIAL USE REGULATIONS

124-11 - Regulation of Residential Uses

LAST AMENDED
11/13/2008

124-111 - Location of residential use within buildings

LAST AMENDED
2/2/2011

The provisions of Section [32-422](#) (Location of floors occupied by commercial uses) shall be modified to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

124-112 - Residential entrances on residential streets

LAST AMENDED
11/13/2008

Each ground floor #dwelling unit# on a #residential street# shall be directly accessible from such #residential street#. No more than one entrance to a #residential street# shall be required for any one ground floor #dwelling unit#.

124-12 - Regulation of Commercial Uses in Area B

LAST AMENDED
11/13/2008

- (a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District, provided that #commercial# #uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.
- (b) Within Area B, #uses# permitted in the underlying district shall be permitted within an area east and south of the present or former Willets Point Boulevard and contiguous with Area A, provided that such area shall be limited to 115,000 square feet in land area.

124-13 - Uses Permitted As-of-Right

LAST AMENDED
11/13/2008

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

- Section [74-41](#) (Arenas, Auditoriums, Stadiums or Trade Expositions) shall not apply for trade expositions with a capacity in excess of 2,500 persons, provided that the facility has a #floor area# of no more than 400,000 square feet;

Section [73-482](#) (In Commercial or Manufacturing Districts) shall not apply for group parking facilities exceeding 225 spaces, provided such facilities comply with the regulations set forth in Section [124-50](#) (OFF-STREET PARKING REGULATIONS), inclusive.

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section [73-244](#) (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section [73-35](#) (Amusement Arcades)

Section [74-46](#) (Indoor Interactive Entertainment Facilities)

Section [74-47](#) (Amusement Arcades)

124-14 - Retail Continuity

LAST AMENDED
5/12/2021

The following regulations shall apply within Area A, as shown on Map 1 in the Appendix to this Chapter, to all portions of #buildings# with frontage on 126th Street, the #primary retail street#, #retail streets#, #connector streets# and, in the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, along the frontage of the publicly accessible open space required by paragraph (d) of Section [124-42](#).

(a) Ground floor #uses#

#Uses# within #stories# on the ground floor or with a floor level within five feet of the #base plane# shall be limited to #commercial# #uses# permitted by the underlying district, except #uses# listed in Use Groups 6B, 6E, 8C, 8D, 9B, 10B or 12D. A #building's# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space or entryways, provided in accordance with Section [37-33](#) (Maximum Width of Certain Uses), parking pursuant to Section [124-50](#), inclusive, and vehicular access pursuant to Section [124-53](#) (Curb Cut Restrictions). Such #uses# shall have a minimum depth of 50 feet measured from any #street wall# facing 126th Street, the #primary retail street# or #connector streets#.

(b) Maximum length of establishments facing 126th Street and the #primary retail street#

The length of ground floor frontage occupied by any establishment shall not exceed 110 feet along 126th Street and 65 feet along the #primary retail street#. Such maximum lengths shall apply within 50 feet of any #street wall# facing 126th Street and the #primary retail street#. However, the provisions of this paragraph, (b), shall not apply within 300 feet of Northern Boulevard.

(c) Access

Access to each ground floor establishment shall be provided directly from a #street#.

(d) Transparency

For any #building#, or portion thereof, #developed# or #enlarged# after November 13, 2008, each ground floor #street

wall# shall be glazed in accordance with Section [37-34](#) (Minimum Transparency Requirements).

124-15 - Modification of Sign Regulations

LAST AMENDED

5/12/2021

The underlying #sign# regulations shall apply, except as set forth in this Section.

- (a) Within Area A, as shown on Map 1 in the Appendix to this Chapter, the #sign# regulations of a C4 District shall apply, except for #street walls# facing Roosevelt Avenue, Northern Boulevard and 126th Street.
- (b) Within Area B, as shown on Map 1, the #sign# regulations of a C1 District shall apply, except that within the area described in paragraph (b) of Section [124-12](#), the sign regulations of a C4 District shall apply.
- (c) Within Area A, for #street walls# facing Roosevelt Avenue or Northern Boulevard, the #sign# regulations of a C4 District shall apply, except that #signs# shall be limited to 85 feet in height.
- (d) For #street walls# facing 126th Street to a height of 35 feet, the #sign# regulations of a C4 District shall apply, provided that the maximum projection of any #sign# from the exterior wall of a #building# shall be four feet, and the transparency requirements of paragraph (d) of Section [124-14](#) are met.
- (e) For #street walls# facing 126th Street above 35 feet in height, the #sign# regulations of a C4 District shall apply except that all permitted #signs#, including #illuminated signs# and #flashing signs#, shall be permitted without limitation on #surface area#, provided that:
 - (1) no such #signs# are higher than 85 feet;
 - (2) the maximum projection of any #sign# from the exterior wall of a #building# shall be four feet, except that projections not exceeding six feet are permitted, provided that such projections beyond four feet shall comprise not more than 20 percent of the #surface area# of all such #signs# on the establishment; and
 - (3) no #sign# attached to a #building or other structure# shall extend above any parapet wall or roof of such #building or other structure#.
- (f) Within 150 feet of the neighborhood park required pursuant to Section [124-42](#) (Types and Standards of Publicly Accessible Open Space), paragraph (a), #flashing signs# whose message is visible from such park shall not be permitted.
- (g) The provisions of Section [32-67](#) (Special Provisions Applying Along District Boundaries) shall not apply in the #Special Willets Point District#.

124-16 - Authorization for Electrical Utility Substations

LAST AMENDED

11/13/2008

The City Planning Commission may authorize electrical utility substations in the #Special Willets Point District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission, provided the Commission finds that:

- (a) the architectural and landscaping treatment of such #use# shall blend harmoniously with the abutting area to the extent reasonably permitted by the operational needs of the substation; and

- (b) if the site proposed for such #use# is within Area A, as shown on Map 1 in the Appendix to this Chapter, that there are difficulties in locating such #use# within Area B, as shown on Map 1.

The Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section that are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substation shall comply therewith.

124-17 - Special Permit for Cogeneration Power Plant

LAST AMENDED

2/2/2011

The Board of Standards and Appeals may permit a combined heat and power cogeneration plant not to exceed 100,000 square feet in #floor area#, provided that:

- (a) the power plant is designed to maximize both electric and thermal cogeneration system efficiency to the greatest extent feasible;
- (b) a detailed energy analysis is submitted to the Board demonstrating that the system as designed shall operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid system; and
- (c) the power plant is designed primarily to serve the #Special Willets Point District#.

In addition, the Board shall refer such application to the Department of Environmental Protection for a report to ensure that the power plant is designed to maximize cogeneration efficiency to the greatest extent feasible and that the system as designed shall operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid system.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices, emissions limits and the concealment of such #use# with #building# enclosures, landscaping, buffer zones or other methods.

124-18 - Special Permit for Wastewater Treatment Plant

LAST AMENDED

2/2/2011

The Board of Standards and Appeals may permit an enclosed membrane bio-reactor wastewater treatment plant not to exceed 100,000 square feet in #floor area# on a site not to exceed 40,000 square feet in area, provided that the following findings are made:

- (a) that in all cases the proposed plant promotes and protects the public health, safety and general welfare;
- (b) the proposed plant shall be adequate for anticipated #development# in the area to be served;
- (c) the proposed plant is designed primarily to serve the #Special Willets Point District#;
- (d) the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development, and to minimize the interruption of the continuity of retail frontage;
- (e) the architectural and landscaping treatment of such #use# shall blend harmoniously with the rest of the area; and

(f) that such #use# shall conform to the performance standards applicable to M1 Districts.

In addition, the Board shall refer such application to the Department of Health and the Department of Environmental Protection for a report to ensure that the site-specific design of the enclosed membrane bio-reactor waste water treatment plant meets all City and State health and effluent standards.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including requirements for soundproofing, safety devices, and the concealment of such #use# with #building# enclosures, landscaping, buffer zones or other methods.

124-19 - Location and Other Requirements for Specific Uses

LAST AMENDED

11/13/2008

124-191 - Convention center

LAST AMENDED

11/13/2008

A trade exposition center, hereinafter referred to as a convention center, is permitted in the #Special Willets Point District# only in accordance with this Section and shall be located on a #connector street#. A convention center may only be located in the area as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter, being entirely within 650 feet of Northern Boulevard.

Furthermore, a convention center may not be located within 200 feet of 126th Street, and any portion of a convention center located between 200 feet and 450 feet of 126th Street shall be limited to no more than 50,000 square feet of #floor area#.

Section [124-14](#) (Retail Continuity) shall not be applicable to a convention center. In lieu thereof, the transparency requirements of this Section shall apply to the #street wall# of a convention center facing a #connector street#. Such #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of such #street wall#, measured to a height of 15 feet above the level of the adjoining sidewalk or public access area. Not less than 40 percent of such area shall be glazed with transparent materials.

The main entrance(s) of such convention center shall be on a #connector street#.

124-192 - Location of theaters

LAST AMENDED

11/13/2008

Theaters comprising over 10,000 square feet in #floor area# shall be located entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street, as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter.

124-193 - Location of office uses in towers

LAST AMENDED

11/13/2008

Use Group 6B office #uses#, pursuant to Section [32-15](#), located on any #story# entirely above 120 feet in height shall be located

entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street, as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter.

124-20 - BULK REGULATIONS

LAST AMENDED

11/13/2008

In the #Special Willets Point District#, bulk regulations shall be as set forth in this Section, inclusive.

124-21 - Floor Area Regulations

LAST AMENDED

2/2/2011

#Zoning lots# containing less than 200,000 square feet of #lot area# shall not exceed a #floor area ratio# of 2.0.

#Zoning lots# containing at least 200,000 square feet of #lot area# shall have a maximum #floor area ratio# as follows:

(a) Within Area A, as shown on Map 1 in the Appendix of this Chapter:

- (1) #Zoning lots# of at least 28 acres of #lot area# shall have a maximum #commercial# #floor area ratio# of 2.0 and a maximum total #floor area ratio# of 4.6.
- (2) For #zoning lots# less than 28 acres:
 - (i) north of the centerline of the present or former 34th Avenue, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.4.
 - (ii) south of the centerline of the present or former 34th Avenue, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 5.0.

(b) Within Area B, as shown on Map 1:

- (1) #Zoning lots# of at least 33 acres of #lot area# shall have a maximum #commercial# #floor area ratio# of 2.0 and a maximum total #floor area ratio# of 2.25.
 - (2) For #zoning lots# less than 33 acres:
 - (i) north of the centerline of the present or former 34th Avenue, the #floor area ratio# shall not exceed 2.0.
 - (ii) south of the centerline of the present or former 34th Avenue, and north and west of the centerline of the present or former Willets Point Boulevard, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.0.
 - (iii) south and east of the centerline of the present or former Willets Point Boulevard, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 4.0.
-

124-22 - Height and Setback Regulations

The height and setback regulations of this Section shall apply throughout the #Special Willets Point District#, except that #developments# or #enlargements# that result in less than 100,000 square feet of #floor area# on #zoning lots# of less than 200,000 square feet shall be limited to the height and setback regulations of an R6B District. The height of all #buildings or other structures# shall be measured from the level of the adjoining sidewalk or other publicly accessible open space. For the purposes of this Section, the present or former 34th Avenue and Willets Point Boulevard shall be considered to be #connector streets#, 127th Street shall be considered to be a #residential street#, and public access areas provided pursuant to paragraph (d) of Section [124-42](#) (Types and Standards of Publicly Accessible Open Space) shall be considered a #connector street#.

(a) Street wall location and base heights

- (1) Except along 126th Street, Northern Boulevard and #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, the minimum base height of a convention center shall be 40 feet or the height of the #building#, whichever is less.
- (2) Along 126th Street, at least 80 percent of the #aggregate width of street walls# shall be located within 60 feet of the #street line# of 126th Street and shall extend to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, for #buildings# directly opposite Citi Field Stadium, a setback lower than 60 feet shall be permitted, provided that:
 - (i) for #buildings# greater than 85 feet in height, an additional setback is provided between a height of 60 and 85 feet; and
 - (ii) eating and drinking establishments with outdoor seating on terraces overlooking 126th Street are provided on the second #story#. Such terraces shall be located on the roof level above the ground floor level of the #building#, at a height not lower than 20 feet or higher than 30 feet above the level of the sidewalk fronting the 126th Street #street wall# of the #building#, and shall have a minimum depth of 15 feet.
- (3) Along #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. Where #street walls# facing #residential streets# contain ground floor #dwelling units#, such #street walls# shall be set back at least four feet from the #street line#. The #building# may project into the required setback area, provided that:

- (i) any such projection does not exceed 20 feet in width;
- (ii) any such projection does not exceed 25 feet in height;
- (iii) the aggregate width of all such projections at the level of any #story# shall not exceed 50 percent of the width of the #street wall# of the #building#; and
- (iv) all such projections are at least 10 feet apart.

(4) Along Northern Boulevard, no portion of a #street wall# shall be located closer to Northern Boulevard than eight feet. At least 70 percent of the #aggregate width of street walls# shall be located between eight and 15 feet of the Northern Boulevard #street line# and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet.

(5) Wherever an open area is provided between the #street wall# of a #building# and the #street line#, such area shall be planted, except at entrances to and exits from the #building#, and except where non-#residential uses# are provided at the ground floor level of the #building#.

(b) Required setbacks and maximum #building# height

Except as provided in paragraph (c)(6) of this Section, setbacks are required for all portions of #buildings or other structures# that exceed a height of 85 feet. Such setbacks shall be provided at a height not lower than 60 feet. The depth of the required setback shall be at least 10 feet measured from any required #street wall# fronting on a #wide street#, and at least 15 feet from any required #street wall# fronting on a #narrow street#. Where portions of #buildings or other structures# that exceed a height of 85 feet are not located above a required #street wall#, such portions shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. However, dormers may penetrate a height of 85 feet in accordance with the provisions of paragraph (c) of Section [23-623](#) (Permitted obstructions in certain districts). Within the area limited to 232 feet above mean sea level, as shown on Map 3 in the Appendix to this Chapter, no portion of a #building or other structure# shall exceed a height of 120 feet except in accordance with the tower provisions of paragraph (c) of this Section.

(c) Towers

Within the area limited to 232 feet above mean sea level, as shown on Map 3, any #story# of a #building# located above a height of 120 feet shall comply with the provisions of this paragraph (c). Such portions of a #building# are hereinafter referred to as “towers.”

(1) Maximum tower size

Each #residential# #story# of a tower located entirely above a height of 120 feet shall not exceed a gross area of 11,000 square feet.

(2) Maximum tower length

The maximum length of any #residential# #story# located entirely above a height of 120 feet shall not exceed 170 feet. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. No side of such rectangle shall exceed a length of 170 feet.

(3) Orientation

The length of any #residential# #story# located entirely above a height of 120 feet shall be at least 1.5 times its width and oriented so that the long side of such tower faces within 25 degrees of geographical south. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. The orientation provisions of this paragraph,(c)(3) need not apply if at least 75 percent of all towers in the #Special Willets Point District# for which building permits have been issued comply with such provisions.

(4) Tower top articulation

For towers containing #residences#, the highest three #stories#, or as many #stories# as are located entirely above a height of 120 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (c)(4), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(5) Distance between towers

The minimum distance between all towers shall be 60 feet.

(6) Tower walls without setbacks

To permit a #building# to rise from grade to a tower portion without setback, the setback provisions of paragraph (b) of this Section shall not apply to any portion of a #building# located within the tower wall location areas shown on Map 4 in the Appendix to this Chapter, provided that this exception from paragraph (b) of this Section shall not apply to more than one tower for each #block#.

(d) Maximum total height

Notwithstanding any other provisions of this Chapter, no #building or other structure# shall exceed the height limits depicted on Map 3. The height limits established in Map 3 include reference points for two airport approach surface areas that are continuous planes, and one area with a maximum height limitation of 232 feet above mean sea level (AMSL). The coordinates of the points are:

Point 1 73°50'42.9"W 40°45'38.1"N

Point 2 73°50'36.8"W 40°45'45.6"N

Point 3 73°50'26.6"W 40°45'39.3"N

Point 4 73°50'33.6"W 40°45'30.7"N

The height limits hereby established supersede the height limits described in Article VI, Chapter 1 (SPECIAL REGULATIONS APPLYING AROUND MAJOR AIRPORTS). Application may be made to the Board of Standards and Appeals pursuant to Section [73-66](#) (Height Regulations Around Airports) for a permit to construct a #building or other structure# in excess of what is permitted pursuant to this paragraph (d), provided that such application is also referred to the Port Authority of New York and New Jersey.

124-30 - MANDATORY IMPROVEMENTS

LAST AMENDED
11/13/2008

124-31 - Standards for Streets and Blocks

LAST AMENDED
11/13/2008

#Developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on #zoning lots# of at least 200,000 square feet, shall front upon #streets# that comply with the requirements of this Section, inclusive.

124-311 - Maximum length of blocks

LAST AMENDED
11/13/2008

The maximum length of a #block# shall be 450 feet, except that:

- (a) where a #block# includes a convention center, such length shall be unlimited;

- (b) where a #block# bounds the intersection of 126th Street and Northern Boulevard, such length shall be limited to 675 feet;
- (c) where a #block# bounds the intersection of 126th Street and Roosevelt Avenue, such length shall be limited to 575 feet; and
- (d) #blocks# or portions of #blocks# east of a line 600 feet east of and parallel to 126th Street and west of a line 1,350 feet east of and parallel to 126th Street shall have a maximum distance between intersections on a #connector street# of 218 feet, except where a #block# includes a convention center or the minimum two-acre park required pursuant to Section [124-40](#) (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS). Where public pedestrian access between a #connector street# and another #street# on the same #block# is located no less than 218 feet from both intersections on a #connector street# through provision of open space pursuant to Section [124-40](#), inclusive, such #block# or a portion of a #block# east of a line 600 feet east of and parallel to 126th Street and west of a line 1,350 feet east of and parallel to 126th Street may have a maximum distance between intersections on a #connector street# that does not exceed 400 feet, provided that there is only one such #block# in the Special District.

124-312 - New streets

LAST AMENDED
5/12/2021

The provisions of this Section shall apply to all private streets constructed after November 13, 2008.

(a) #Primary retail street#

One #primary retail street# shall be provided parallel to, or generally parallel to, 126th Street and comply with the following requirements:

- (1) The western boundary of such #street# shall be not less than 220 feet and not more than 320 feet from 126th Street.
- (2) Such #street# shall intersect two #retail streets# and two #connector streets#.
- (3) The width of such #street# shall be a minimum of 70 feet and a maximum of 80 feet, comprised of:
 - (i) two 15 foot wide sidewalks, one adjacent to each curb;
 - (ii) two nine foot wide strips, one adjacent to each sidewalk which can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways;
 - (iii) two travel lanes in the center of the #street# totaling 22 feet in width; and
 - (iv) one optional eight to 10 foot wide landscaped median located on the centerline of the #street# between the two travel lanes provided that the #street# width shall not exceed 72 feet without such median.

(b) #Connector streets#

Two #connector streets# shall be provided, as follows:

- (1) One #connector street# shall intersect 126th Street as shown on Map 5 in the Appendix to this Chapter.
- (2) One #connector street# shall intersect 126th Street opposite the south side of Citi Field Stadium within the 125

foot area shown on Map 5.

- (3) Both #connector streets# shall intersect with the #primary retail street# and with each other at a point east of the #primary retail street#.
- (4) The width of each #connector street# shall be at least 75 feet and no more than 86 feet, comprised of:
 - (i) two 15 foot wide sidewalks, one adjacent to each curb;
 - (ii) two nine foot wide strips, one adjacent to each sidewalk that can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways; and
 - (iii) at least two travel lanes and not more than three travel lanes totaling at least 22 feet and not more than 33 feet in width, and one bike lane at least five feet wide.
- (5) Where a convention center fronts upon a #connector street#, the requirements set forth in this paragraph (b) shall be modified to eliminate the nine foot wide strip and, in lieu thereof, require a 12 foot wide drop off lane that, in the aggregate, shall not exceed 300 feet.

(c) #Retail streets#

A minimum of two and maximum of three #retail streets# shall be provided, as follows:

- (1) One #retail street# shall intersect 126th Street opposite the entrance to Citi Field stadium, within the area shown on Map 5;
- (2) One #retail street# shall intersect 126th Street opposite the north side of Citi Field Stadium within the area shown on Map 5;
- (3) Two #retail streets# shall intersect with the #primary retail street#;
- (4) The width of each #retail street# shall be no more than 68 feet wide, comprised of:
 - (i) two 13 foot wide sidewalks, one adjacent to each curb;
 - (ii) two 10 foot wide strips, one adjacent to each sidewalk that can be used as pedestrian amenity areas that may include landscaping, seating and walkways; and
 - (iii) two travel lanes totaling at least 22 feet in width.

(d) #Eastern perimeter street#

One #eastern perimeter street# shall be provided as follows:

- (1) The eastern boundary of such #street# shall be within 20 feet of the eastern boundary of the #Special Willets Point District#, extending between Roosevelt Avenue and a #connector street#.
- (2) The width of such #street# shall be at least 62 feet and no more than 75 feet, comprised of:
 - (i) a 13 foot wide sidewalk along its western boundary and a sidewalk at least five feet wide along its eastern boundary;
 - (ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and

- (iii) at least two and no more than three travel lanes totaling at least 20 feet and not more than 33 feet in width.

(e) #Residential streets#

All #streets#, other than those listed in paragraphs (a) through (d) of this Section, that have one or more ground floor #dwelling units# fronting on the #street# shall be considered #residential streets#, except where such #street# is designated a #service street# pursuant to paragraph (f) of this Section. #Residential streets# shall be provided, as follows:

- (1) A #residential street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:
 - (i) two 13 foot wide sidewalks, one adjacent to each curb;
 - (ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and
 - (iii) two travel lanes totaling between 20 and 22 feet in width.

(f) #Service streets#

All newly constructed #streets#, other than those listed in paragraphs (a) through (e) of this Section, shall be improved as a #service street#. A minimum of 50 percent of the #uses# within #stories# on the ground floor or with a floor level within five feet of the #base plane# fronting a #service street# shall contain non-#residential uses#. #Service streets# shall be provided, as follows:

- (1) A #service street# may only be located as one of the #streets# bounding:
 - (i) a #block# that bounds the intersection of 126th Street and Northern Boulevard; and
 - (ii) a #block# that bounds the intersection of 126th Street and Roosevelt Avenue.
- (2) A #service street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:
 - (i) two 13 foot wide sidewalks, one adjacent to each curb;
 - (ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and
 - (iii) two travel lanes totaling between 20 and 22 feet in width.

124-32 - Street Tree Planting

LAST AMENDED

2/2/2011

All #developments# or #enlargements# shall provide and maintain trees of not less than three-inch caliper at the time of planting in the sidewalk adjacent to the #building# on the side of the sidewalk closest to the travel lane. All such trees shall be provided for the entire length of the frontage of the #building#, for every 25 feet of such frontage, except where curb cuts or utilities make such planting infeasible. Species shall be selected, installed and maintained in accordance with specifications established by the Department of Parks and Recreation. However, #street# trees need not be provided where such trees may interfere with truck movements in the loading area for a convention center.

124-33 - Mandatory Sidewalk Widening

LAST AMENDED

11/13/2008

In the event that 34th Avenue remains a mapped street, all #developments# or #enlargements# on 34th Avenue shall provide a sidewalk widening of no less than 13 feet in width. No obstructions shall be permitted from the lowest level to the sky except for those permitted pursuant to Section [37-53](#) (Design Standards for Pedestrian Circulation Spaces), paragraph (f)(3). When one end of the sidewalk widening abuts an existing #building#, the special design treatment specified in Section [37-53](#), paragraph (f) (5), shall be required.

124-34 - Roof Design Requirements

LAST AMENDED

11/13/2008

Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust, and that it is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area.

124-40 - PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS

LAST AMENDED

11/13/2008

Publicly accessible open spaces shall be provided as specified in Section [124-40](#), inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

124-41 - Amount of Publicly Accessible Open Space

LAST AMENDED

11/13/2008

Publicly accessible open space within the #Special Willets Point District# shall total not less than eight acres. Such required amounts shall be open to the sky and shall not include any sidewalks required pursuant to this Section or sidewalk widenings pursuant to Section [124-33](#).

For #developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on #zoning lots# of at least 200,000 square feet, the following amount of publicly accessible open space shall be provided for each 1,000 square feet of #floor area#:

Within Area A: 30 square feet

Within Area B: 50 square feet.

Such publicly accessible open space may be transferred from the #zoning lot# containing the #development# or #enlargement#

to any other #zoning lot# in the #Special Willets Point District#, provided that such publicly accessible open space meets the requirements of Section [124-42](#), inclusive.

124-42 - Types and Standards of Publicly Accessible Open Space

LAST AMENDED

11/13/2008

The following types and standards of publicly accessible open space shall apply:

(a) Park

At least one park not less than two acres in area shall be provided. Such park shall be bounded on all sides by #streets# or a #school#, and at least one of the #streets# bounding the park shall be a #connector street#. No portion of such park shall be closer than 200 feet from the boundaries of the #Special Willets Point District#. Up to five percent of the area of such outdoor park may be covered by a #building or other structure#. A minimum of 50 percent of such park shall be planted, except that the planted area may be reduced to 40 percent if a playground acceptable to the Department of Parks and Recreation is provided within such park.

(b) 126th Street

The provisions of this paragraph (b) shall apply along the western boundary of #blocks# bounding 126th Street:

- (1) a sidewalk with a minimum width of 15 feet shall be located adjacent to the curb, and have an elevation not higher than one foot above the level of the road bed;
- (2) a pedestrian amenity area at least 20 feet wide and no more than 35 feet wide shall be located between such sidewalk and the #street wall# of any #building# fronting upon 126th Street. Pedestrian circulation space at least five feet wide shall be provided within such area within 1.5 feet of the ground floor elevation of such #street walls# to allow pedestrian movement in a direction parallel with the #street# and connecting with sidewalks of #streets# intersecting 126th Street;
- (3) on each such #block# there shall be a minimum of two ramps connecting the sidewalk along 126th Street and the pedestrian circulation space. In addition, stairways shall be provided linking the sidewalk and pedestrian circulation space so that each establishment on the #block# with entrances facing 126th Street is readily accessible by such stairs or ramps; and
- (4) all publicly accessible open spaces shall comply with the provisions of Sections [37-725](#) (Steps), [37-726](#) (Permitted obstructions), [37-728](#) (Standards of accessibility for persons with disabilities), [37-73](#) (Kiosks and Open Air Cafes) and [37-74](#) (Amenities), except for the following modifications:
 - (i) Section [37-73](#), paragraph (b), shall be modified to permit open air cafes to be at a different elevation from adjoining public access areas and from adjoining sidewalks;
 - (ii) Section [37-73](#), paragraphs (c)(4) and (d), shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;
 - (iii) for publicly accessible open space on the western boundary of #blocks# facing Citi Field Stadium, Section [37-73](#), paragraph (b), shall be modified to limit the aggregate area of open air cafes to no more than 50 percent of the public access area, and to allow open air cafes to occupy up to 75 percent of

#street# frontage;

- (iv) in Section [37-741](#), the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;
- (v) for public access areas on the western boundary of #blocks# facing Citi Field Stadium, Section [37-741](#) shall be modified so that seating for open air cafes may count toward the seating requirement, in the category of moveable seating, provided that 25 percent of the linear seating capacity is provided through other seating types;
- (vi) for publicly accessible open space not on the western boundary of #blocks# facing Citi Field Stadium, Section [37-742](#) shall be modified to require planters, planting beds and accessible lawns at a rate of 200 square feet for every 1,000 square feet of publicly accessible open space; and
- (vii) Section [37-747](#) (Public space signage) shall not apply; in lieu thereof, paragraph (i) (Hours of access) of this Section shall apply.

(c) Roosevelt Avenue

Along the south side of #blocks# bounding Roosevelt Avenue, the following provisions shall apply:

- (1) a bike lane with a minimum width of five feet shall be located no more than 16 feet from the curb line; and
- (2) a pedestrian amenity area at least 20 feet in width and not more than 45 feet in width shall be provided between the bike lane and the #street wall# of a #building#:
 - (i) within the pedestrian amenity area, there shall be a sidewalk with a minimum width of 13 feet, generally parallel to Roosevelt Avenue, linking the sidewalk along 126th Street to either a sidewalk along the #eastern perimeter street#, if built, or the sidewalk leading to the Roosevelt Avenue Bridge; and
 - (ii) a minimum of 50 percent of the pedestrian amenity area shall be planted.

(d) #Block# at Roosevelt Avenue and 126th Street

In the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, the following improvements shall be provided:

- (1) an entry plaza of at least 7,000 square feet shall be provided adjacent to the intersection of 126th Street and Roosevelt Avenue, as follows:
 - (i) the plaza shall include no less than 60 feet and no more than 80 feet of frontage along 126th Street;
 - (ii) each #use# or establishment with frontage on the plaza shall include at least one entrance to such plaza;
 - (iii) at least two amenities shall be provided from among those listed in Section [37-748](#), except that a kiosk that provides information instead of food service shall also be permitted; and
 - (iv) the area of such plaza shall not overlap with the requirements of paragraph (c) of this Section for Roosevelt Avenue;
- (2) a central plaza of at least 20,000 square feet shall be provided, as follows:
 - (i) the plaza shall have at least 100 feet of frontage on a #connector street#;

- (ii) the prolongation of the centerline of the #primary retail street# shall intersect with such plaza;
 - (iii) such plaza shall meet the pedestrian amenity standards of paragraph (b)(4) of this Section for 126th Street; and
 - (iv) a minimum of 15 percent of such plaza shall be planted; and
- (3) a pedestrian corridor area shall be provided linking the entry plaza required pursuant to paragraph (d)(1) of this Section and the central plaza required pursuant to paragraph (d)(2) of this Section, as follows:
- (i) such corridor shall be at least 60 feet in width and include, within such width, a 40 foot utility easement;
 - (ii) such corridor shall be at least 150 feet in length;
 - (iii) each #use# or establishment with frontage on such corridor shall include at least one entrance to such corridor; and
 - (iv) each side of such corridor area shall be planted with #street# trees of not less than three-inch caliper at the time of planting for the entire length of such corridor, at a rate of one tree for every 25 feet of the length of each side of such corridor.

(e) Northern Boulevard

Along the north side of #blocks# bounding Northern Boulevard, the following provisions shall apply:

- (1) a sidewalk with a minimum width of 13 feet shall be located adjacent to the curb and have an elevation not higher than one foot above the road bed of Northern Boulevard;
- (2) an open area at least eight feet wide and no more than 15 feet wide shall be located between the sidewalk and the #street wall# of a #building#, except that such area need not be provided where such areas may interfere with truck movements in the loading area for a convention center located on any such #block#; and
- (3) a minimum of 70 percent of such open area shall be planted.

(f) #Eastern perimeter street#

Along the #eastern perimeter street# between the required sidewalk and the eastern boundary of the #Special Willets Point District#, an open area with a minimum depth of eight feet and a maximum depth of 15 feet shall be provided. At least 70 percent of such open area shall be planted.

(g) Convention center

If a convention center is provided, a pedestrian amenity area shall be required between the #street line# and the #street wall# of the convention center. The pedestrian amenity area shall have a depth of at least 10 feet and not more than 22 feet and shall meet the standards of paragraph (b)(4) of this Section for 126th Street.

(h) Standards for additional areas

If the amount of public access areas required pursuant to paragraphs (a) through (g) of this Section does not total eight acres, the difference shall be provided in the form of one or more public access areas located not closer than 100 feet to the boundary of the #Special Willets Point District#.

(i) Hours of access

All publicly accessible open space shall be accessible to the public from sunrise to one hour after sunset. Entry plaques for public access areas over one-half acre in size shall be provided as described in paragraph (a) of Section [37-751](#), except that the number of such plaques shall be provided so that one such plaque is located at each point of entry to such publicly accessible open space, and lettering at least one inch in height shall be provided stating the words, "Open to the public." followed by hours permitted pursuant to this paragraph (i).

(j) Active recreation

A minimum of one-half acre of public access area shall be designed for active recreational use. This area may be located anywhere within the eight acres of publicly accessible open space required within the #Special Willets Point District#. Such area may include rooftop areas, provided that adequate public access is provided to the general public and that, regardless of the size of such rooftop area, entry plaques are provided for each point of entry pursuant to paragraph (i) of this Section. Access to such areas shall comply with the Americans with Disabilities Act of 1990.

124-50 - OFF-STREET PARKING REGULATIONS

LAST AMENDED

11/13/2008

Off-street parking shall be provided for all required parking spaces and loading berths as specified by the underlying district, except as modified by the special regulations of this Section, inclusive.

124-51 - Use and Location of Parking Facilities

LAST AMENDED

2/2/2011

The provisions of this Section shall apply to all off-street parking spaces within the #Special Willets Point District#.

Floor space used for parking shall be exempt from the definition of #floor area#.

Parking facilities with over 225 parking spaces shall provide adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided in such facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles.

- (a) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are located:
- (1) entirely below the level of any #street# or publicly accessible open space upon which such facility, or portion thereof, fronts;
 - (2) in a #cellar# no more than four feet above grade within Area B, as shown on Map 1 in the Appendix to this Chapter, provided that the #street wall# is set back at least four feet from the #street line# except for projections permitted pursuant to Section [124-22](#), paragraph (a)(3), and planted areas are provided pursuant to Section [124-22](#), paragraph (a)(5), and further provided that 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials;
 - (3) at every level above-grade, wrapped by #floor area# provided in accordance with paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements); or
 - (4) above-grade and adjacent to a #street wall# or public access area, and screened in accordance with the provisions

set forth in paragraphs (b)(1) through (b)(3) of Section [37-35](#). A parking structure so screened shall be permitted only in the following locations:

- (i) except within #blocks# that bound the intersection of 126th Street and Northern Boulevard or 126th Street and Roosevelt Avenue, a parking facility may be located adjacent to a #street wall# facing 126th Street above a height of 35 feet and limited to a height of 85 feet. At least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from any other adjacent #street#;
 - (ii) a parking facility may be located adjacent to a #street wall# limited to a height of 85 feet on a #block# that bounds the intersection of 126th Street and Northern Boulevard, provided that such #street wall# is on Northern Boulevard and is more than 100 feet from 126th Street. At least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from adjacent #residential#, #connector# or #primary retail streets#;
 - (iii) a parking facility not on a #block# that bounds the intersection of 126th Street and Northern Boulevard may be located adjacent to a #street wall# limited to a height of 40 feet facing Northern Boulevard, provided that such #street wall# with adjacent parking spaces is on Northern Boulevard and is more than 100 feet from 126th Street. At least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from any other adjacent #street#;
 - (iv) a parking facility may be located adjacent to a #street wall# on a #block# that bounds the intersection of 126th Street and Roosevelt Avenue, provided that such #street wall# with adjacent parking spaces is more than 100 feet from 126th Street, Roosevelt Avenue and at least 30 feet from any #connector street#;
 - (v) a parking facility may be located adjacent to a #street wall# limited to a height of 40 feet facing the eastern boundary of the #Special Willets Point District#, within 200 feet of such eastern boundary, so that such parking facility is not visible from a #connector street#. At least 30 feet of permitted #floor area# containing #uses# shall separate such parking spaces from adjacent #residential# and #connector streets#; and
 - (vi) a parking facility may be located adjacent to a #street wall# where such #street wall# is on a #service street#, provided that at least 30 feet of #floor area# containing permitted #uses# shall separate such parking spaces from adjacent #residential#, #connector#, #retail# or #primary retail streets#.
- (b) All parking facilities with parking spaces adjacent to an exterior #building# wall that is not a #street wall# shall provide screening in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section [37-35](#).
 - (c) All parking facilities shall not be open to the sky, and all parking facilities shall have a roof that meets the design requirements of Section [124-34](#).
 - (d) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #block#, all such spaces shall be located within the same parking facility.
 - (e) All #accessory# off-street parking spaces may be provided within parking facilities in #buildings# other than the same #building# as the #uses# to which they are #accessory#, provided that:
 - (1) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #building#; and

- (2) such parking facilities are located within the #Special Willets Point District#; or
- (3) such parking facilities are located within distances specified by Sections [36-421](#) (Maximum distance from zoning lot) and [36-43](#) (Off-site Spaces for Commercial or Community Facility Uses), as applicable.

124-52 - Loading Restrictions

LAST AMENDED

11/13/2008

Loading areas shall not be permitted within 75 feet of 126th Street or within 50 feet of the #primary retail street#. Loading areas for a convention center #use# shall not be permitted within 100 feet of a #connector street#.

124-53 - Curb Cut Restrictions

LAST AMENDED

11/13/2008

No driveway curb cuts for parking facilities or loading berths shall be permitted along 126th Street, the #primary retail street#, the #connector streets#, across from public open space of two or more acres, and within 50 feet of the intersection of any #streets#, except for a convention center or a #transient hotel# with a minimum of 50,000 square feet of #floor area#, and except that the City Planning Commission may authorize curb cuts, provided the Commission finds that such curb cuts are needed, do not unduly inhibit surface traffic or pedestrian flow and do not impair the essential character of the surrounding area.

Where permitted, the maximum aggregate width of curb cuts on any frontage shall be limited to 24 feet for #residential streets# and 60 feet for all other #streets#, except that the maximum width shall be 100 feet for #blocks# that bound the intersection of 126th Street and Northern Boulevard or 126th Street and Roosevelt Avenue and for #blocks# that contain a #transient hotel# with a minimum of 50,000 square feet of #floor area#. For a convention center, the maximum aggregate width of curb cuts on any frontage shall be limited to 100 feet, except that curb cuts shall be unlimited when located directly adjacent to the loading area of the convention center. All curb cuts shall be achieved with minimal reduction to the grade of the sidewalk over which they pass.

124-60 - SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

LAST AMENDED

10/9/2013

For any #zoning lot# within the #Special Willets Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) #use# or #bulk# modification shall aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification shall encourage a lively pedestrian environment along the street, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;
- (c) #bulk# modifications shall enhance the distribution of #bulk# within the Special District;
- (d) #bulk# modifications shall permit adequate access of light and air to surrounding streets; and
- (e) #use# or #bulk# modification shall relate harmoniously to the character of the surrounding area.

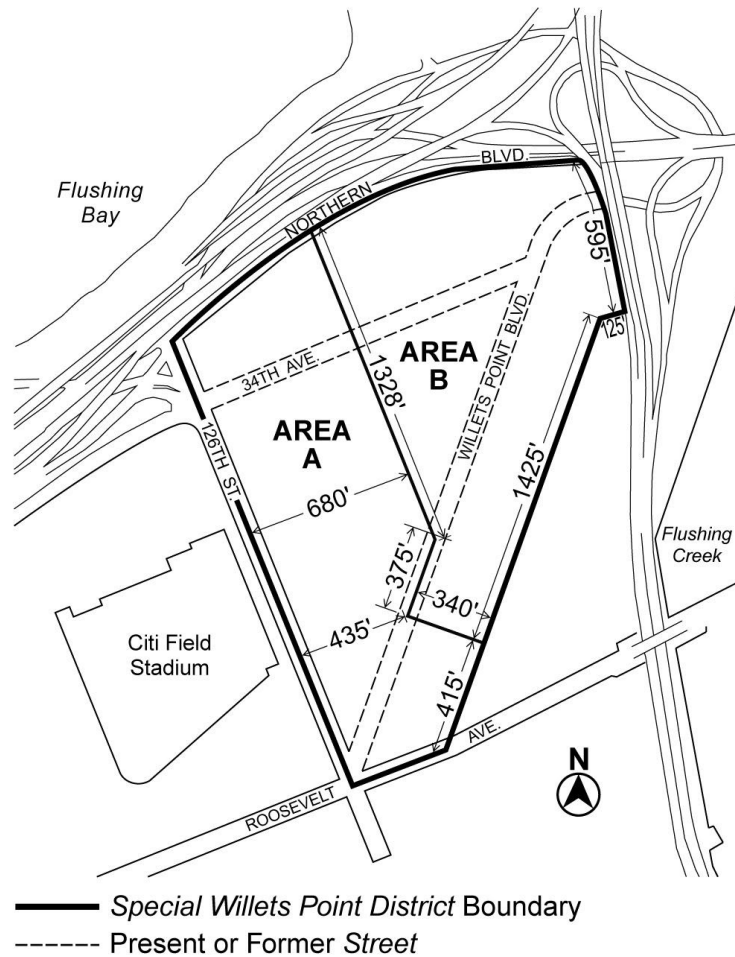
Notwithstanding the foregoing, a #use# modification may include a #use# proposed as part of a phased development within the Special District, where the Commission finds that such #use# is reasonably necessary for transitional purposes to assist in achievement of the goals of the Special District, provided the findings of paragraphs (a), (b) and (e) of this Section are met to the maximum extent possible, taking into account the nature of such #use#.

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

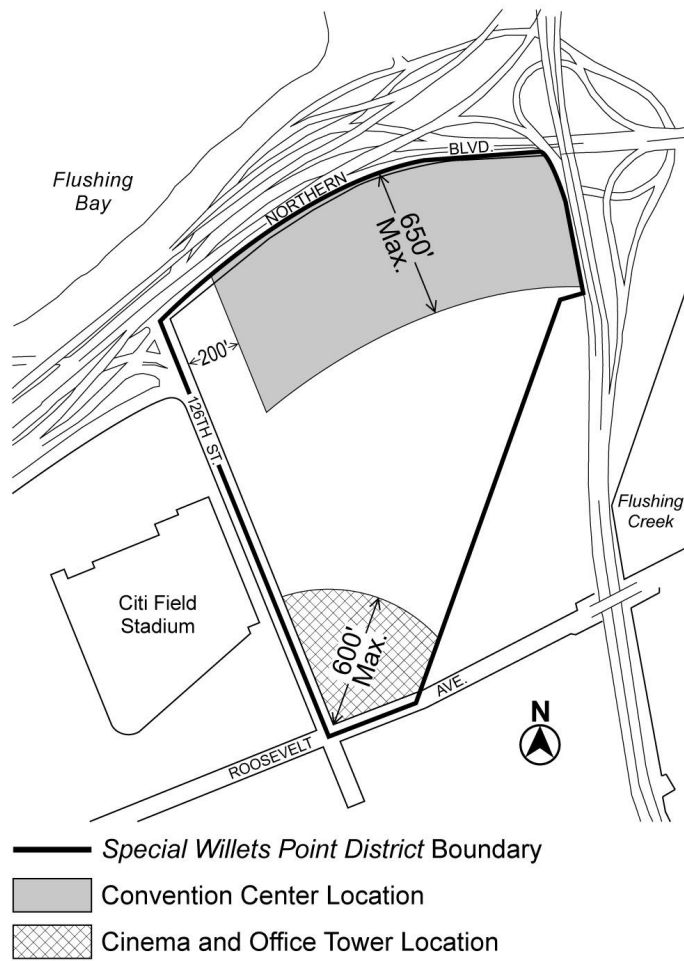
Appendix A - Special Willets Point District Plan

LAST AMENDED
11/13/2008

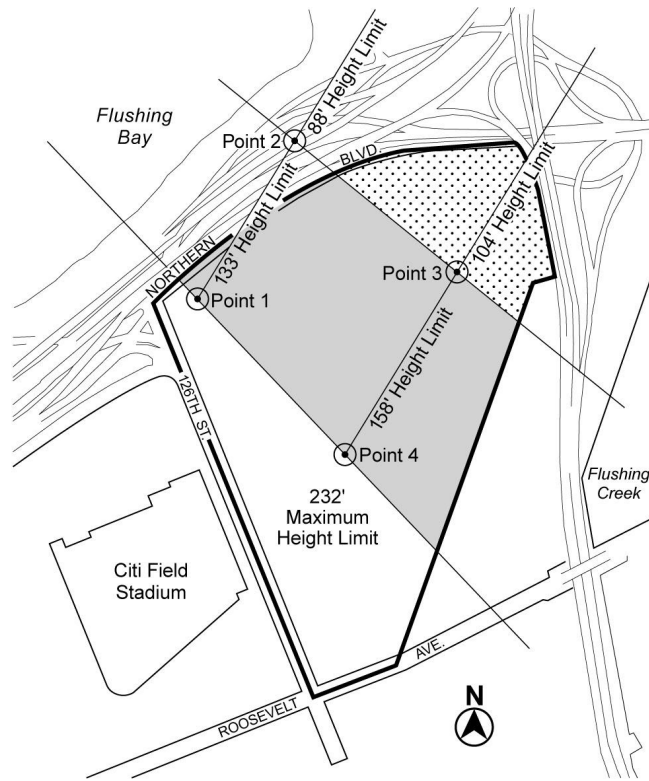
Map 1 - Special Willets Point District Plan



Map 2 - Location Requirements for Convention Center, Cinema and Office Tower



Map 3 - Height Limits



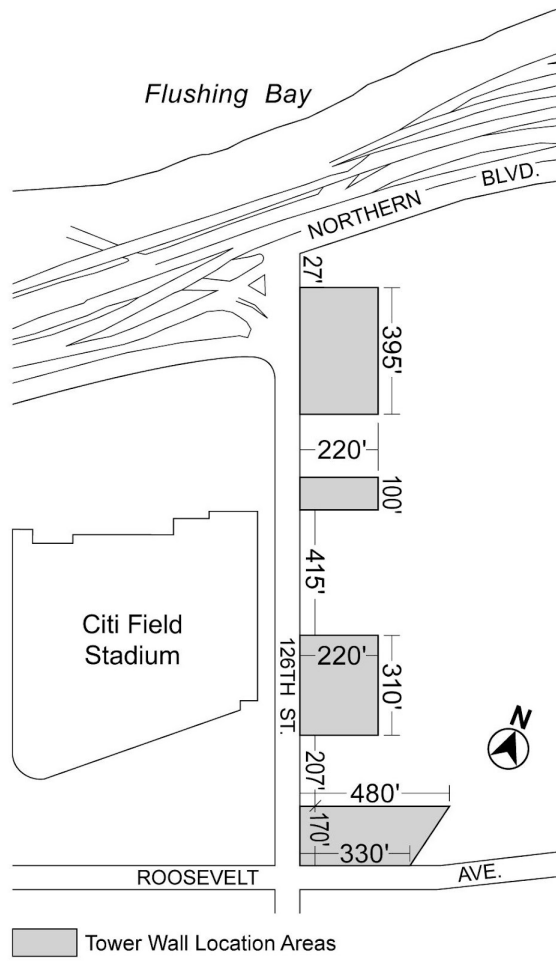
— Special Willets Point District Boundary

■ Outer Approach Surface

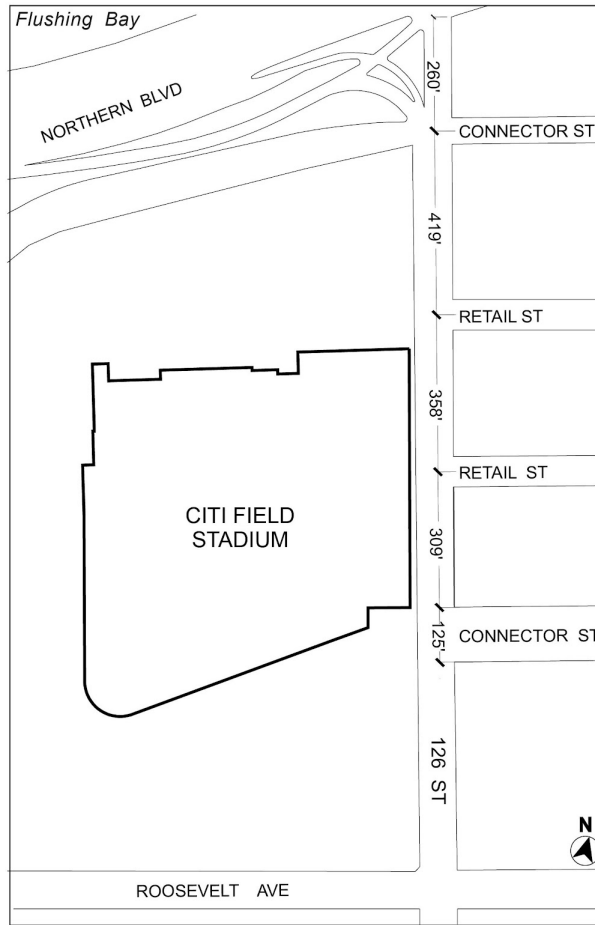
▨ Inner Approach Surface

NOTE: Height Limits are measured Above Mean Sea Level (AMSL)

Map 4 - Locations of Tower Walls without Setbacks



Map 5 - Mandatory Intersections





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 5 - Special Southern Hunters Point District (SHP)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 5 - Special Southern Hunters Point District (SHP)

125-00 - GENERAL PURPOSES

LAST AMENDED

2/2/2011

The "Special Southern Hunters Point District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage well-designed buildings that complement the built character of the Hunters Point neighborhood;
- (b) to maintain and reestablish physical and visual public access to and along the waterfront;
- (c) to broaden the regional choice of residences by introducing new affordable housing;
- (d) to achieve a harmonious visual and functional relationship with the adjacent neighborhood;
- (e) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;
- (f) to take maximum advantage of the beauty of the East River waterfront and provide an open space network comprised of public parks, public open space and public access areas;
- (g) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (h) to promote the most desirable use of land in accordance with the district plan for Southern Hunters Point, thus conserving the value of land and buildings, thereby protecting the City's tax revenues.

125-01 - General Provisions

LAST AMENDED

10/7/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

125-02 - District Plan and Maps

LAST AMENDED

11/13/2008

The regulations of this Chapter are designed to implement the #Special Southern Hunters Point District# Plan.

The District Plan, in Appendix A of this Chapter, includes the following maps:

- Map 1. Special Southern Hunters Point District, Subdistricts and Parcels
- Map 2. Special Ground Floor Use Regulations
- Map 3. Street Wall Location
- Map 4. Minimum Base Heights of 40 Feet
- Map 5. Maximum Base Heights Other Than 70 Feet
- Map 6. Tower Areas
- Map 7. Mandatory Sidewalk Widening and Publicly Accessible Open Area
- Map 8. Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict
- Map 9. Newtown Creek Waterfront Access Plan (Q-3)
- Map 10. Permitted Curb Cut Locations

125-03 - Subdistricts

LAST AMENDED
11/13/2008

In order to carry out the purposes and provisions of this Chapter, the #Special Southern Hunters Point District# is divided into two subdistricts: the East River Subdistrict and the Newtown Creek Subdistrict. The East River Subdistrict is further subdivided into parcels A through G. The location and boundaries of the subdistricts and parcels are shown on Map 1 (Special Southern Hunters Point District, Subdistricts and Parcels), in Appendix A of this Chapter.

125-04 - Applicability of District Regulations

LAST AMENDED
11/13/2008

125-041 - Modification of use and bulk regulations for zoning lots bounding parks

LAST AMENDED
11/13/2008

Where the #lot line# of a #zoning lot# coincides with the boundary of a #public park#, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

125-042 - Applicability of Article II, Chapter 5

LAST AMENDED
4/22/2009

The provisions of Section [25-86](#) (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special Southern Hunters Point District#.

125-043 - Modification of Article VI, Chapter 2

LAST AMENDED

4/22/2009

The provisions of Sections [62-52](#) (Applicability of Waterfront Public Access Area Requirements) and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified as set forth in Section [125-46](#) (Newtown Creek Waterfront Access Plan).

125-10 - USE REGULATIONS

LAST AMENDED

11/13/2008

125-11 - Ground Floor Use Along Designated Streets

LAST AMENDED

2/2/2011

Map 2 (Special Ground Floor Use Regulations), in Appendix A of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply. Such regulations shall apply along the entire #street# frontage of the #building#, as indicated on Map 2.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 30 feet of the #street wall#, shall be limited to #commercial# or #community facility uses# permitted by the underlying district. A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for lobby space. In no event shall the length of #street# frontage occupied by lobby space exceed, in total, 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less, except that the length of lobby frontage need not be less than 20 feet.

125-12 - Transparency Requirements

LAST AMENDED

11/13/2008

The ground floor #street wall# bounding any #community facility use# other than a #school# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area, and the maximum sill height of all #show windows# shall be 2 feet, 6 inches above the adjoining sidewalk or public access area.

The ground floor #street wall# bounding any #commercial# #use# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. Furthermore, the maximum sill level of all #show windows# shall be 2 feet, 6 inches above the adjoining sidewalk or public access area.

125-13 - Location of Uses in Mixed Buildings

LAST AMENDED
2/2/2011

The provisions of Section [32-422](#) (Location of floors occupied by commercial uses) are modified to permit #dwelling units# on the same #story# as a #commercial# #use#, provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

125-20 - FLOOR AREA REGULATIONS

LAST AMENDED
11/13/2008

125-21 - East River Subdistrict

LAST AMENDED
10/7/2021

In the East River Subdistrict, the maximum #residential floor area ratio# shall be as set forth in the following table, and no #floor area# bonuses shall apply. For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

| Parcel | Maximum #Floor Area# |
|--------|----------------------|
| A | 12.0 |
| B | 10.0 |
| C | 10.5 |
| D | 12.0 |
| E | 12.0 |
| F | 10.0 |
| G | 12.0 |

125-22 - Newtown Creek Subdistrict

LAST AMENDED
10/9/2013

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

(a) #Floor area# bonus for public amenities

For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 2.75 to a maximum permitted #floor area ratio# of 3.75, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Sections [125-44](#) (Private Street Requirements in Newtown Creek Subdistrict) and [125-45](#) (Publicly Accessible Open Area in Newtown Creek Subdistrict).

(b) #Floor area# increase for Inclusionary Housing

(1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section [12-10](#) (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, and this Section, applicable within the Special District.

(2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section [23-90](#) (INCLUSIONARY HOUSING), except that:

(i) the height and setback regulations of Section [23-951](#) (Height and setback for compensated developments in Inclusionary Housing designated areas) or Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the special height and setback regulations of Section [125-30](#), inclusive, of this Chapter shall apply; and

(ii) the provisions of Section [23-96](#) (Requirements for Generating Sites or MIH Sites) shall be modified to require that in the event the #affordable housing# is not located within the same Community District as the #compensated zoning lot#, it shall be located within a one-half mile radius of the #compensated zoning lot# in an adjacent Community District in the Borough of Queens.

125-30 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
11/13/2008

The underlying height and setback regulations shall not apply, except as set forth in this Section. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply. All heights shall be measured from the #base plane#.

125-31 - Rooftop Regulations

†

LAST AMENDED
12/6/2023

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings# within the #Special Southern Hunters Point District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section [23-623](#) (Permitted obstructions in certain districts).

125-32 - Balconies

LAST AMENDED

11/13/2008

Balconies shall not be permitted below a height of 70 feet. Above a height of 70 feet, balconies are permitted provided that at least 50 percent of the perimeter of the balcony is bounded by #building# walls, exclusive of parapet walls.

125-33 - Required Street Walls

LAST AMENDED

2/2/2011

(a) #Street wall# location

All #street walls# of #buildings# shall be located on #street lines# of #zoning lots# as shown on Map 3 (Street Wall Location) in Appendix A of this Chapter. For the purposes of applying the height and setback regulations of this Section, wherever a #building# fronts upon any #public park#, or any sidewalk widening, #publicly accessible open area# or private street provided in accordance with the design requirements of Sections [125-41](#) through [125-46](#), inclusive, the boundary of such #public park#, sidewalk widening, #publicly accessible open area# or private street shall be considered to be a #wide street line#.

(b) Minimum base heights

All #street walls# shall extend up to at least a minimum base height of 50 feet or the height of the #building#, whichever is less, except that a minimum base height of 40 feet shall be permitted in the locations specified on Map 4 (Minimum Base Heights of 40 Feet) in Appendix A of this Chapter.

(c) Maximum base heights

The maximum height of a #street wall# before setback shall be 70 feet, except in the locations specified on Map 5 (Maximum Base Heights Other Than 70 Feet) in Appendix A of this Chapter.

(d) Recesses

Recesses, not to exceed three feet in depth, shall be permitted on the ground floor where required to provide access to the #building#, and recesses, not to exceed five feet in depth, shall be permitted on the ground floor where required to provide access to utilities. Above the height of the second #story# or 30 feet above adjoining grade, whichever is greater, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#.

(e) Required setbacks and maximum #building# heights

Setbacks are required for all portions of #buildings# that exceed the applicable maximum base height, except #schools#. All required setbacks shall be provided at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that the depth of such

setbacks may include the depth of any permitted recesses in the #street wall#. For the purposes of this paragraph (c), the following shall be considered #wide streets#:

- (1) Second Street between 54th Avenue and Borden Avenue
- (2) 55th Avenue between Center Boulevard and Second Street
- (3) Center Boulevard between 50th Avenue and 57th Avenue.

Above the applicable maximum base height, the maximum height of a #building or other structure# shall be 125 feet, except where towers are permitted, pursuant to Section [125-34](#).

125-34 - Towers

LAST AMENDED
11/13/2008

Any portion of a #building# that exceeds a height of 125 feet shall comply with the following provisions:

- (a) Tower location and maximum tower height

All towers shall be located entirely within a Tower Area as designated on Map 6 (Tower Areas), in Appendix A of this Chapter. The maximum height of such towers shall be as indicated for the specified location on Map 6. For #buildings# higher than 165 feet, the #stories# entirely within 40 feet of the highest roof level of the #building# shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

- (b) Orientation and maximum tower size

The outermost walls of each #story# located entirely above a height of 125 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street or Center Boulevard, whichever is closest, shall be 95 feet. The maximum length of any other side of such rectangle shall be 170 feet. Each #story# of a tower located entirely above a height of 125 feet shall not exceed a gross area of 11,000 square feet.

However, on Parcel G in the East River Subdistrict, the maximum length of the side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street shall not exceed 170 feet.

- (c) Tower and base integration

Notwithstanding the setback provisions of paragraph (c) of Section [125-33](#), up to 50 percent of the #street wall# width of a tower may rise sheer from grade without setback.

125-35 - Authorization for Height and Setback Modifications

LAST AMENDED
2/2/2011

Within the #Special Southern Hunters Point District#, for any #development# or #enlargement#, the City Planning Commission may modify the regulations set forth in Section [125-30](#), inclusive, provided the Commission finds that such modifications:

- (a) will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;
- (b) are consistent with the goals of the Special District to provide flexibility of architectural design and encourage more attractive #building# forms; and
- (c) will result in a #development# or #enlargement# that enhances the streetscape and is compatible with development in the surrounding area.

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

125-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED
11/13/2008

125-41 - Sidewalk Widening

LAST AMENDED
11/13/2008

Map 7 (Mandatory Sidewalk Widening and Publicly Accessible Open Area), in Appendix A of this Chapter, shows locations of mandatory sidewalk widenings in the East River Subdistrict. The depth of such sidewalk widenings shall be as indicated on Map 7 and shall be measured perpendicular to the #street line# unless otherwise indicated. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalk, and shall be accessible to the public at all times.

125-42 - Publicly Accessible Open Area Requirements on

LAST AMENDED
11/13/2008

Parcels B, D, E and F

Map 7 (Mandatory Sidewalk Widening and Publicly Accessible Open Area), in Appendix A of this Chapter, shows locations where open areas are permitted or required on Parcels B, D, E and F in the East River Subdistrict. Where any such area is provided, it shall be publicly accessible and comply with the standards of Sections [37-741](#) (Seating), [37-743](#) (Lighting and electrical power), [37-744](#) (Litter receptacles), [37-745](#) (Bicycle parking), [37-746](#) (Drinking fountains), [37-747](#) (Public space signage), [37-76](#) (Mandatory Allocation of Frontages for Permitted Uses) and [37-77](#) (Maintenance).

In addition, the provisions of Section [37-742](#) (Planting and trees) shall apply to such open areas, and shall be modified to require that:

- (a) at least 30 percent of each open area be comprised of planting beds;
- (b) at least two four-inch caliper trees or three ornamental trees be provided within such open areas on Parcels D and F; and
- (c) no trees shall be required within the open areas on Parcels B and E.

125-43 - Publicly Accessible Open Area Requirements on

LAST AMENDED
11/13/2008

A publicly accessible private open area shall be provided within the area of Parcel G in the East River Subdistrict as shown on Map 7 (Mandatory Sidewalk Widening and Publicly Accessible Open Area) in Appendix A of this Chapter. No excavation or building permit shall be issued for any #development# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is consistent with the Department of Parks and Recreation design standards used for the development of the adjacent #public park#. A certification under this paragraph shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation.

In the event that Parcel G is not owned by the City, then, prior to design and development of the #publicly accessible open area#, the owner of Parcel G may make a request directed to the Office of the Mayor to transfer to the City its fee simple absolute interest, free and clear of any encumbrances in the open area. The City may accept the transfer request, provided that development of the open area is made in accordance with guidelines established by the Chairperson of the City Planning Commission and the Commissioner of the Department of Parks and Recreation, and transfer is made pursuant to such instruments as are necessary for implementation. In the event of a transfer, the #bulk# and parking computations for the #zoning lot# shall include the transferred property and such transfer shall not be deemed a #non-compliance# .

125-44 - Private Street Requirements in Newtown Creek Subdistrict

LAST AMENDED
11/13/2008

In the Newtown Creek Subdistrict, where a private street is provided pursuant to paragraph (a) of Section [125-22](#), such private street shall be constructed to minimum Department of Transportation standards for public #streets#, including lighting, curbs and curb drops. Such private street shall consist of a paved road bed with a minimum width of 34 feet from curb to curb with 13 foot wide sidewalks on each side along its entire length. Such private street shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict) in Appendix A of this Chapter. One tree shall be planted for every 25 feet of curb length of the private street. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street.

125-45 - Publicly Accessible Open Area in Newtown Creek Subdistrict

LAST AMENDED
2/2/2011

Where a publicly accessible private open area is provided pursuant to paragraph (a) of Section [125-22](#), such open area shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict) in Appendix A of

this Chapter. No excavation or building permit shall be issued for any #development# or #enlargement# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is either:

- (a) consistent with the Department of Parks and Recreation design standards for the #public park# located on 55th Avenue between Center Boulevard and Second Street; or
- (b) in the event that design standards have not been developed for the #public park# located on 55th Avenue between Center Boulevard and Second Street, acceptable to the Chairperson of the City Planning Commission and the Department of Parks and Recreation.

A certification under this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation. Such approved plan shall allow for pedestrian access from 55th Avenue to the #residential# entrance of a #building# bounding the publicly accessible private open area. The paved width of such access shall not exceed 13 feet, and its location shall be within the area shown on Map 8.

125-46 - Newtown Creek Waterfront Access Plan

LAST AMENDED
4/22/2009

Map 9, in Appendix A of this Chapter, shows the boundaries of the area comprising the Newtown Creek Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area consists of Block 11, Lot 1, as established on November 13, 2008.

- (a) Modification of #use# requirements

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in Section [32-16](#) (Use Group 6), shall be permitted #uses# within the Newtown Creek Waterfront Access Plan.

- (b) Area-wide modifications

The requirements for #waterfront public access area#, as defined in Section [62-11](#), pursuant to Sections [62-53](#) through [62-57](#), inclusive, are modified at the following designated locations:

- (1) #Upland connection#

An #upland connection#, as defined in Section [62-11](#), shall be provided through Block 11, Lot 1, abutting the prolongation of 5th Street and extending from the #shore public walkway#, as defined in Section [62-11](#), northerly to 54th Avenue.

- (2) #Supplemental public access area#

#Supplemental public access areas#, as defined in Section [62-11](#), shall be provided as indicated on Map 9.

125-47 - Phased Implementation of Publicly Accessible Areas

LAST AMENDED
2/2/2011

In the Newtown Creek Subdistrict, the Chairperson of the City Planning Commission shall allow for the phased implementation of all required publicly accessible areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of public access area proportionate to the amount of #floor area# being #developed# or #enlarged# in each phase. For any #development# or #enlargement# located within 100 feet of a #shoreline#, the initial phase shall provide, at a minimum, the required #shore public walkway# and any adjacent #supplemental public access areas# located between such #development# or #enlargement# and such #shore public walkway#, as defined in Section [62-11](#). For any #development# or #enlargement# that fronts upon 54th Avenue, the initial phase shall provide, at a minimum, the required publicly accessible private street.

125-50 - PARKING REGULATIONS

LAST AMENDED
5/8/2013

The regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area) and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply, except as set forth in this Section.

125-51 - General Regulations

LAST AMENDED
11/13/2008

For the purposes of Section [125-50](#) (PARKING REGULATIONS), inclusive, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#.

No #public parking garages# or #public parking lots# shall be permitted.

125-52 - Location of Off-street Parking Spaces

LAST AMENDED
2/2/2011

(a) Enclosure of spaces

All off-street parking spaces shall be located within facilities that, except for entrances and exits, are entirely below the level of any #street# or #publicly accessible open area# upon which such facility or portion thereof fronts, or shall be located, at every level above-grade, behind #commercial#, #community facility# or #residential# #floor area# so that no portion of such parking facility is visible from adjoining #streets# or #publicly accessible open areas#. Such #floor area# shall have a minimum depth of 30 feet.

(b) Rooftop landscaping

Any roof area of a parking garage not otherwise covered by a #building# and larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational #use# of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area. #Schools# shall be exempt from the provisions of this paragraph (b).

125-53 - Maximum Size of Permitted Accessory Group Parking Facilities

LAST AMENDED
5/8/2013

In the East River Subdistrict, Section [16-13](#) (Permitted Parking for Zoning Lots With Multiple Uses) shall apply, except that the maximum number of spaces shall be 780. Section [16-21](#) (Off-site Parking) shall not apply.

In the Newtown Creek Subdistrict, Section [16-13](#) shall apply except that the maximum number of spaces shall not exceed 40 percent of the number of #dwelling units# within the #development# or #enlargement#.

125-54 - Off-site Facilities in the East River Subdistrict

LAST AMENDED
11/13/2008

In the East River Subdistrict, all #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided such parking facilities are located within the #Special Southern Hunters Point District#, and the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each off-site #zoning lot# using such facility, less the number of any spaces provided on such #zoning lots#.

125-55 - Location of Curb Cuts

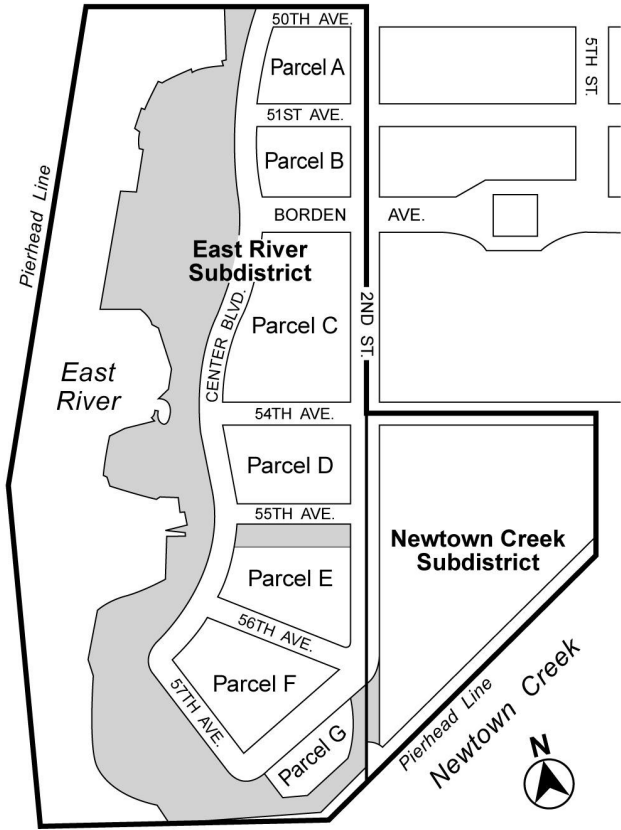
LAST AMENDED
2/2/2011

Curb cuts are permitted only in the locations indicated on Map 10 (Permitted Curb Cut Locations) in Appendix A of this Chapter. The aggregate width of all curb cuts provided for any #building# shall not exceed 50 feet.

Appendix A - Special Southern Hunters Point District Plan

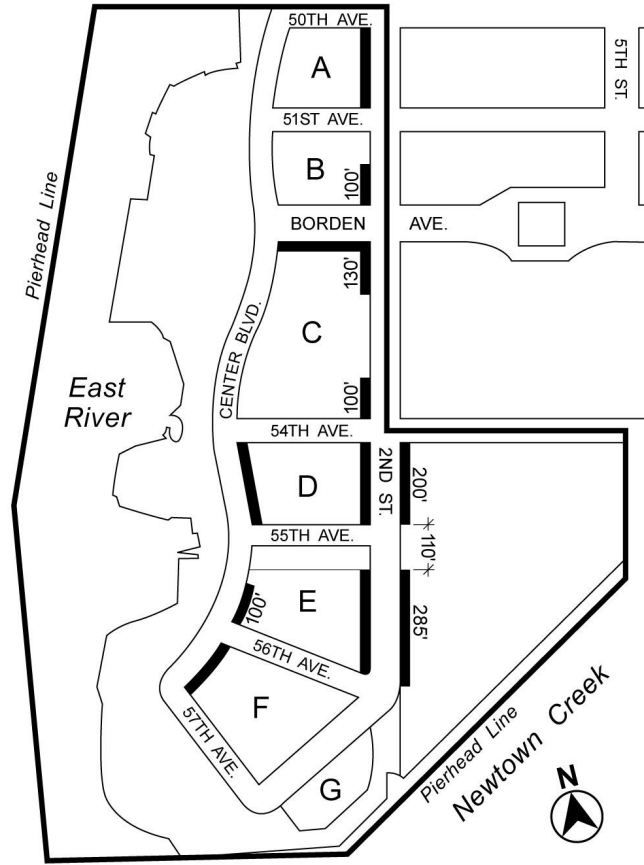
LAST AMENDED
11/13/2008

Map 1 – Special Southern Hunters Point District, Subdistricts and Parcels



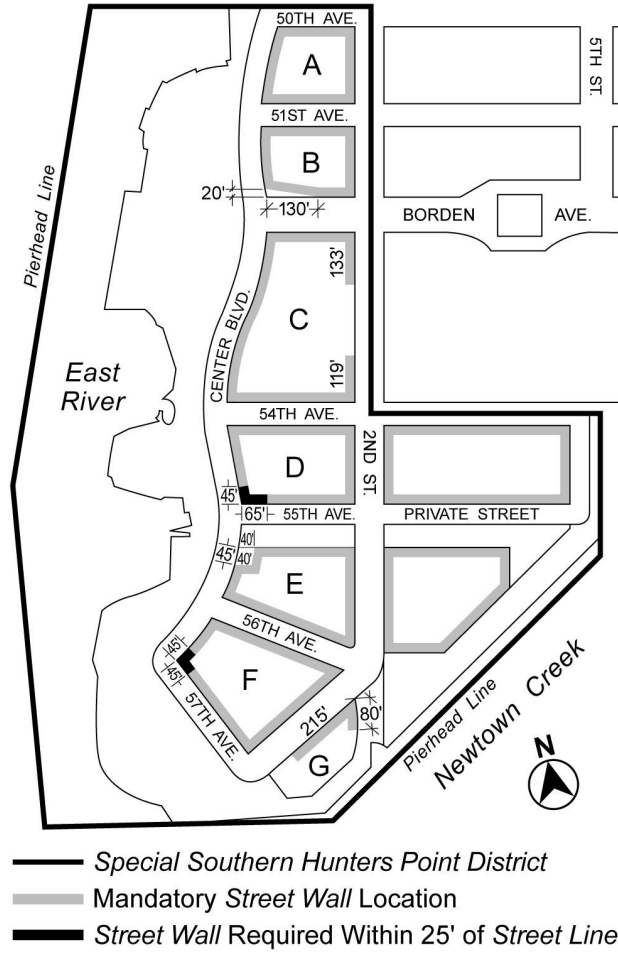
- Special Southern Hunters Point District
- Subdistrict Boundary
- Park

Map 2 – Special Ground Floor Use Regulations

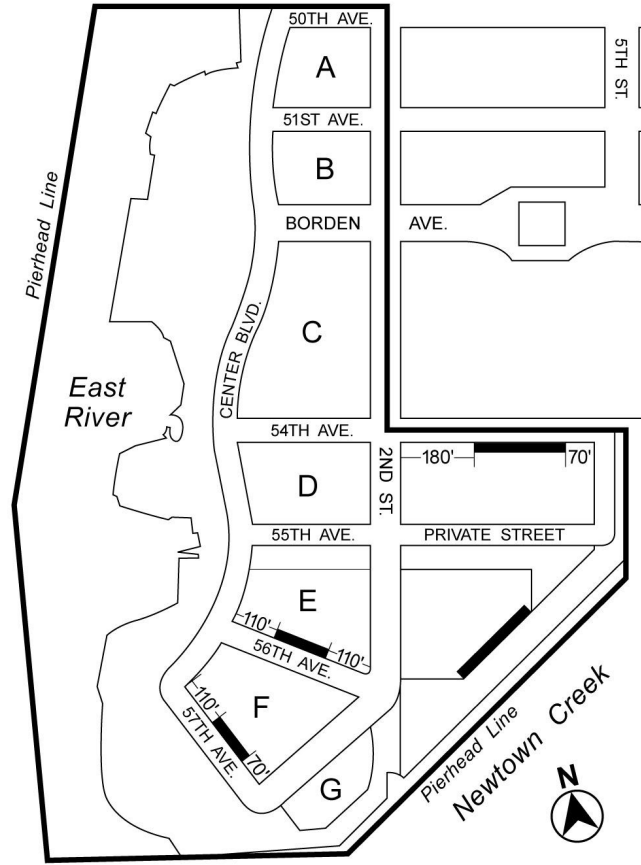


- Special Southern Hunters Point District
- Non-Residential Use Required on Ground Floor

Map 3 – Street Wall Locations

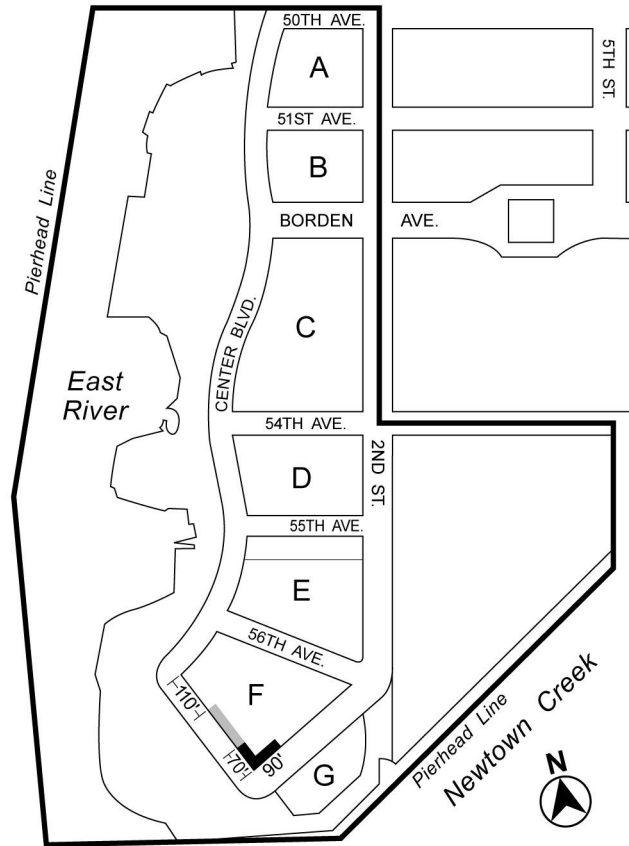


Map 4 – Minimum Base Heights of 40 Feet



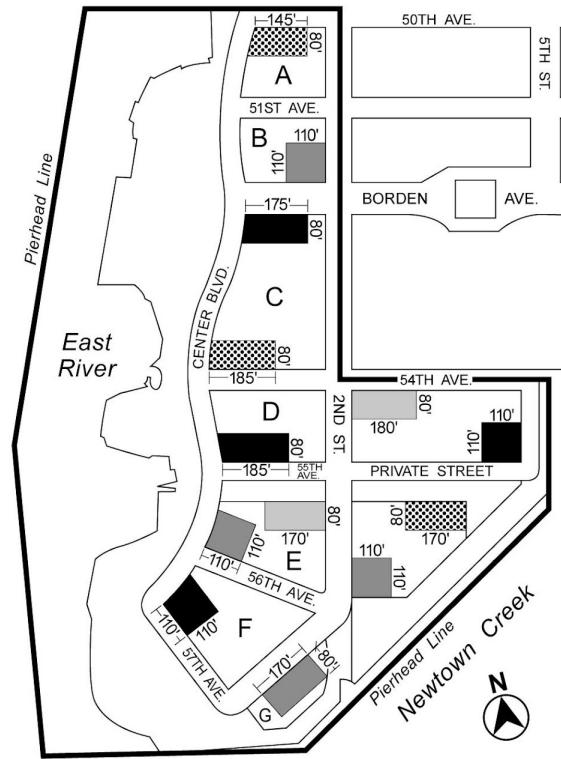
- Special Southern Hunters Point District
- 40' Minimum Base Heights Permitted

Map 5 – Maximum Base Heights other than 70 Feet



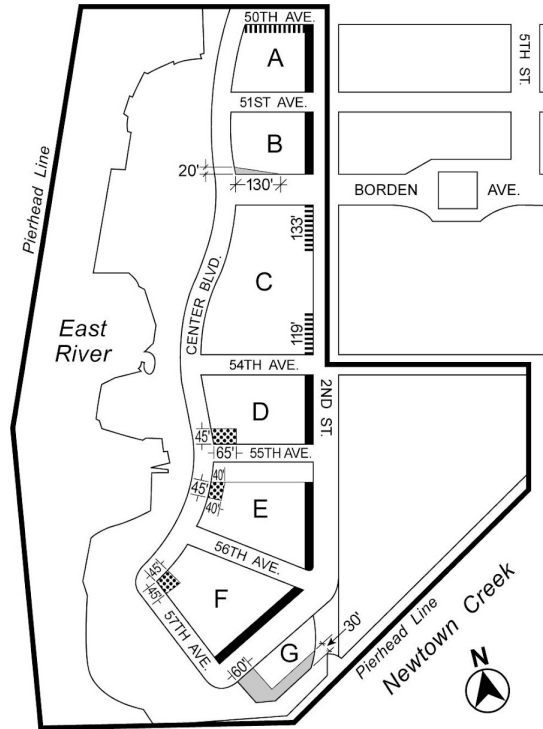
- Special Southern Hunters Point District
- 40' Maximum Base Height
- 105' Maximum Base Height

Map 6 – Tower Areas



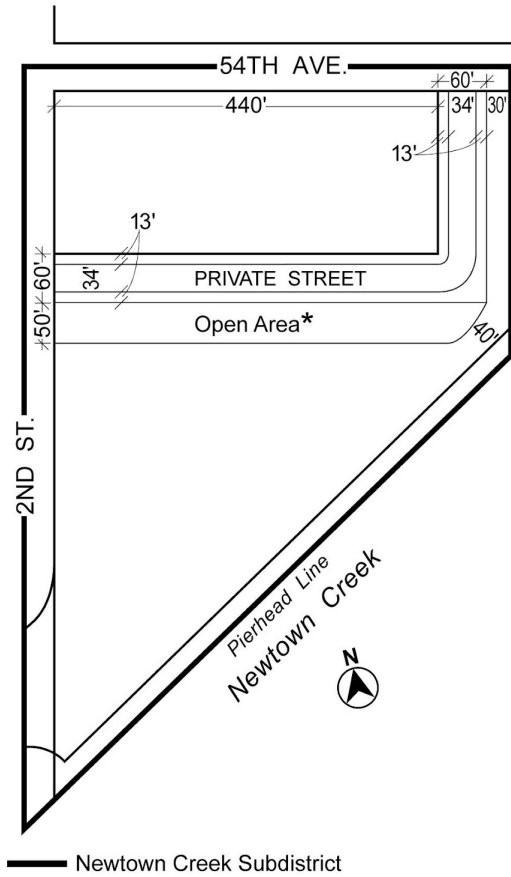
- Special Southern Hunters Point District
- 270' Maximum Tower Height
- 300' Maximum Tower Height
- ▨ 350' Maximum Tower Height
- 400' Maximum Tower Height

Map 7 – Mandatory Sidewalk Widening and Publicly Accessible Open Area



- Special Southern Hunters Point District
- ||||| 2' Sidewalk Widening
- 5' Sidewalk Widening
- Publicly Accessible Open Area
- ▨ Flexible Location Zone Where Publicly Accessible Open Area Must Be Provided Along Street Line

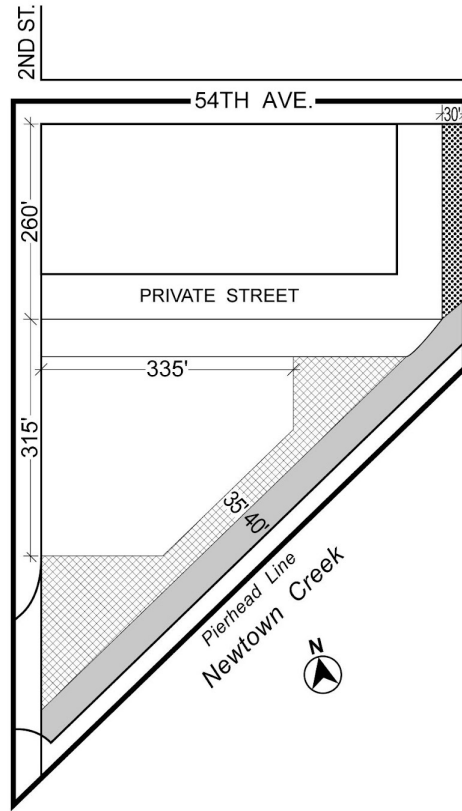
Map 8 – Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict



— Newtown Creek Subdistrict

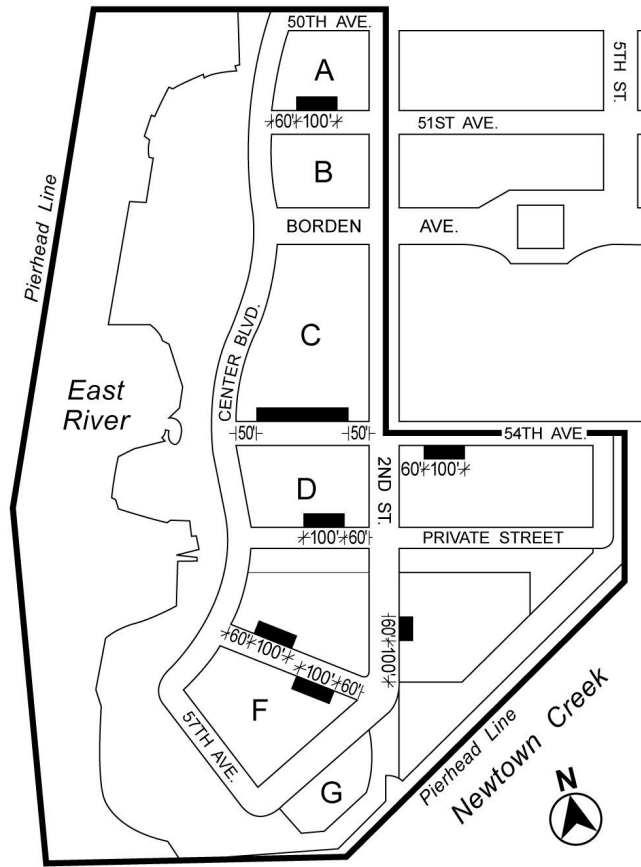
*One 13' wide walkway connecting sidewalk of private street and residential building entrance may traverse Open Area beyond 200' of 2nd St.

Map 9 – Newtown Creek Waterfront Access Plan (Q-3)



- Newtown Creek Subdistrict
- ▨ Supplemental Public Access Area
- ▩ Upland Connection
- Shore Public Walkway

Map 10 – Permitted Curb Cut Locations



- Special Southern Hunters Point District
- Permitted Curb Cut Location



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 6 - Special College Point District (CP)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 6 - Special College Point District (CP)

126-00 - GENERAL PURPOSES

LAST AMENDED

7/29/2009

The "Special College Point District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage and retain high performance manufacturing establishments in New York City;
 - (b) to maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and
 - (c) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.
-

126-01 - General Provisions

LAST AMENDED

5/12/2021

The provisions of this Chapter shall apply within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

126-02 - District Plan and Map

LAST AMENDED

7/29/2009

The District Map is located within the Appendix to this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

126-10 - SPECIAL USE REGULATIONS

LAST AMENDED

7/29/2009

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-11 - Recreational Uses

†

LAST AMENDED

The regulations of Section [42-10](#) (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following #uses# as-of-right within the #Special College Point District#:

From Use Group 4A:

Non-commercial recreation centers

From Use Group 4B:

Golf courses

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residences#

#Public parks#, playgrounds or private parks

126-12 - Performance Standards

LAST AMENDED

7/29/2009

Section [42-20](#) (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

126-13 - Enclosure Regulations

LAST AMENDED

2/2/2011

The following provisions supersede Sections [42-41](#) (Enclosure of Commercial or Manufacturing Activities) and [42-42](#) (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections [44-11](#) (General Provisions) and [44-51](#) (Permitted Accessory Off-street Loading Berths).

126-131 - Special enclosure regulations for specific uses previously prohibited under the former College Point Urban Renewal Plan

LAST AMENDED

7/29/2009

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed building#:

From Use Group 17 A:

Produce or meat markets, wholesale.

From Use Group 18A:

Incineration or reduction of garbage, offal or dead animals

Radioactive waste disposal services involving the handling or storage of radioactive waste

Sewage disposal plants

Stock yards or slaughtering of animals or poultry.

From Use Group 18B:

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments

Scrap metal, junk, paper or rags storage, sorting, or baling.

All #commercial# or #manufacturing uses# specified in this Section shall be permitted, provided the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board and Borough President for review and comment for a period of no less than 45 days prior to such certification.

126-132 - Enclosure regulations in M1-1 Districts

LAST AMENDED

7/29/2009

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section [126-11](#) (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-133 - Enclosure regulations in M2-1 Districts near Residence Districts

LAST AMENDED

7/29/2009

Within 300 feet of a #Residence District# boundary, all #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#. However, #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section [126-11](#) (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-134 - Enclosure of storage in M1-1 Districts near Residence Districts

LAST AMENDED

7/29/2009

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

126-135 - Screening of storage in M2-1 Districts near Residence Districts

LAST AMENDED

7/29/2009

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

- (a) shall not be located within a #front yard# ;
- (b) shall be maintained in good condition at all times; and
- (c) shall have no #signs# hung or attached thereto other than those permitted in Sections [42-52](#) (Permitted Signs), and [126-14](#) (Sign Regulations), inclusive.

126-136 - Screening of storage

LAST AMENDED

7/29/2009

- (a) At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:
 - (1) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
 - (2) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.
- (b) In addition, such screening provided pursuant to paragraphs (a)(1) or (a)(2) of this Section:
 - (1) shall not be located within a #front yard# ;
 - (2) shall be maintained in good condition at all times;
 - (3) may be interrupted by normal entrances or exits; and
 - (4) shall have no #signs# hung or attached thereto other than those permitted in Sections [42-52](#) (Permitted Signs) and [126-14](#) (Sign Regulations).

126-14 - Sign Regulations

LAST AMENDED
7/29/2009

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section [32-67](#) (Special Provisions Applying Along District Boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, and no #signs# shall be permitted on the roof of any #building#.

126-141 - Special sign regulations in M2-1 Districts

LAST AMENDED
7/29/2009

In M2-1 Districts, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

- (a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of eight feet, and shall not extend to a height greater than 20 feet above #curb level# ; and
 - (b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.
-

126-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
7/29/2009

The #bulk# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-21 - Street Tree Planting

LAST AMENDED
2/2/2011

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section [26-41](#) (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# shall provide #street# trees in accordance with Section [26-41](#). The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

126-22 - Floor Area Ratio

LAST AMENDED
7/29/2009

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0.

However, within the M2-1 District south of 30th Avenue and its prolongation, the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district, for:

- (a) portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard; or
- (b) #zoning lots# with frontage on the Whitestone Expressway.

126-23 - Modification of Yard Regulations

LAST AMENDED

7/29/2009

126-231 - Minimum required front yards

LAST AMENDED

7/29/2009

#Front yards# shall be provided with a depth of 15 feet, except for:

- (a) #zoning lots# with frontage along the Whitestone Expressway, where #front yards# shall be provided with a depth of 20 feet; and
- (b) #corner lots#, where one #front yard# may have a depth of 10 feet.

126-232 - Minimum required side yards

LAST AMENDED

7/29/2009

#Side yards# shall be provided with a width of 10 feet.

126-233 - Special provisions along district boundaries

LAST AMENDED

4/14/2010

The following regulations shall modify the provisions of Section [43-30](#) (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

- (a) Sections [43-301](#) (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and [43-303](#) (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #Residence District#.
- (b) Within the areas depicted on the #Special College Point District# Map as 60-foot buffer areas, an open area not higher

than #curb level# shall be provided within the #Manufacturing District#, as follows:

- (1) where such buffer area is adjacent to a #street#, a #front yard# at least 60 feet in depth shall be provided; or
- (2) where such buffer area is not adjacent to a #street#, an open area at least 60 feet wide shall be provided along the boundary of the #Manufacturing District#. Such open area may be reduced to a width of not less than 25 feet where there is an open area in an adjacent #Residence District# so that, in combination with the open area within the #Manufacturing District#, there is an open area totaling at least 60 feet in width. The open area in the #Residence District# shall be subject to a restrictive declaration requiring that such area be maintained pursuant to the standards of this Section, in a form approved by the New York City Department of Buildings, and subsequently recorded in the Office of the City Register of the City of New York against all tax lots comprising such restricted open area. Proof of recordation of the restrictive declaration in a form acceptable to the New York City Department of Buildings shall be submitted.

All such open areas shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

- (c) All open areas required pursuant to this Section and Section [43-30](#) shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section [126-136](#) (Screening of storage), provided that the option described in paragraph (a)(2) of Section [126-136](#) shall not be a permitted form of screening.

126-234 - Planting requirement in front yards

LAST AMENDED
7/29/2009

#Front yards# shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

126-235 - Storage of materials within yards

LAST AMENDED
7/29/2009

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

126-24 - Height and Setback Regulations

LAST AMENDED
7/29/2009

Within the #Special College Point District#, the height and setback regulations of an M1-1 District shall apply.

However, within the M2-1 District south of 30th Avenue and its prolongation, the height and setback regulations shall be as permitted in the underlying district, for:

- (a) portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard; or

- (b) #zoning lots# with frontage on the Whitestone Expressway.

126-30 - SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED

7/29/2009

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

126-31 - Parking Regulations

LAST AMENDED

2/2/2011

- (a) #Accessory# off-street parking shall not be permitted within a required #front yard#.
- (b) The provisions of Section [44-21](#) (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial# #uses# shall be modified as follows:

Hotels, for the #floor area# used for sleeping accommodations, shall be required to provide one parking space per two guest rooms or suites and, for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios, shall be required to provide one parking space per four persons-rated capacity

Places of Assembly, for #uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit, shall be required to provide one parking space per four persons-rated capacity

- (c) For #commercial# #uses# within the commercial areas identified on the #Special College Point District# Map, the parking requirements of a C4-1 District shall apply.
- (d) Section [37-90](#) (PARKING LOTS), inclusive, shall apply to all open parking areas #accessory# to #manufacturing uses# listed in Use Group 17. Perimeter landscaping, required pursuant to Section [37-921](#), may overlap with required #yards#, pursuant to Section 126-231.
- (e) The provisions of Section [44-23](#) (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on July 29, 2009, and on the date of application for a building permit.

126-32 - Loading Regulations

LAST AMENDED

7/29/2009

- (a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#. However, the City Planning Commission may authorize off-street loading berths located between a #street wall# and a #street line#, provided that the Commission finds that such loading berths can not be located elsewhere on the #zoning lot# and that such loading berths shall be enclosed or screened to the greatest extent practicable.
- (b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section [44-585](#) (Screening).

126-33 - Curb Cut Restrictions on 15th Avenue

LAST AMENDED

7/29/2009

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one-sixteenth inch to a foot, showing the size and location of the proposed curb cut.

126-40 - SPECIAL APPROVALS

LAST AMENDED

7/29/2009

126-41 - Modification of Planting Requirements

LAST AMENDED

7/29/2009

The requirements of Section [126-234](#) (Planting requirement in front yards) and paragraph (c) of Section [126-233](#) (Special provisions along district boundaries) may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are infeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

126-42 - Authorization for Reduction of Required Parking

LAST AMENDED

7/29/2009

Within the commercial areas identified on the #Special College Point District# Map, the City Planning Commission may authorize a reduction of the parking requirement of Section [44-21](#) (General Provisions) and paragraphs (b) and (c) of Section [126-31](#) (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

126-43 - Special Permit to Modify Use or Bulk Regulations

LAST AMENDED

2/2/2011

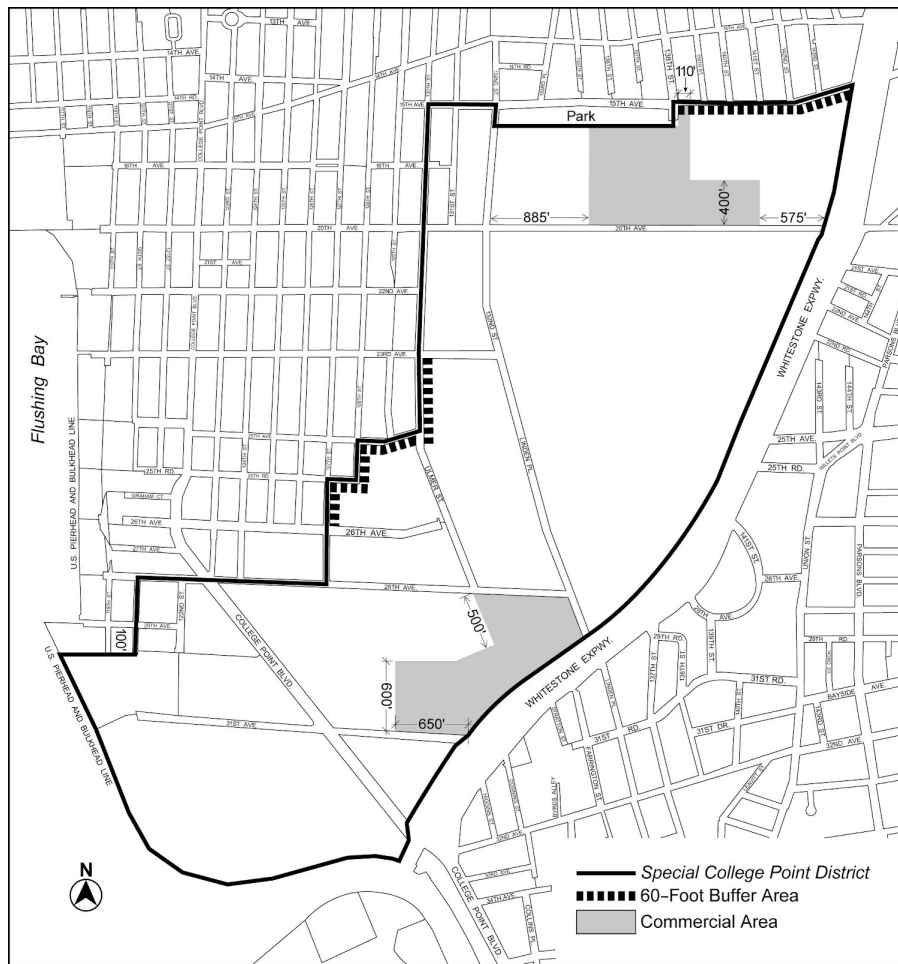
For any #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission finds that such:

- (a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot# ;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

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

Appendix - Special College Point District Map

LAST AMENDED 7/29/2009





Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 7 - Special Flushing Waterfront District (FW)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 7 - Special Flushing Waterfront District (FW)

127-00 - GENERAL PURPOSES

LAST AMENDED 12/10/2020

The “Special Flushing Waterfront District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;
 - (b) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;
 - (c) to encourage well-designed development that complements the pedestrian experience and enhances the built character of the neighborhood;
 - (d) to establish and maintain physical and visual public access to and along Flushing Creek;
 - (f) to make use of the waterfront by providing public access via private street network, direct connections to the water and to promote coordinated redevelopment of the area in a manner consistent with waterfront access and internal circulation within the Special District; and
 - (g) to promote the most desirable use of land and building development in accordance with the District Plan for Downtown Flushing and thus conserve the value of land and buildings and thereby improve the City’s tax revenues.
-

127-01 - General Provisions

LAST AMENDED 12/10/2020

The provisions of this Chapter shall apply within the #Special Flushing Waterfront District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control unless expressly stated otherwise.

127-02 - District Plan and Maps

LAST AMENDED 12/10/2020

In order to carry out the purposes and provisions of this Chapter, district maps are located in the Appendix to this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1: Special Flushing Waterfront District and Subdistricts

Map 2: Publicly Accessible Private Street Network

Map 3: Requirements Along Street Frontages

Map 4: Waterfront Access Plan: Parcel Designation

Map 5: Waterfront Access Plan: Visual Corridors

Map 6: Waterfront Access Plan: Public Access Areas

Map 7: Waterfront Access Plan: Phase I Waterfront Public Access Improvements

Map 8: Waterfront Access Plan: Phase II Waterfront Public Access Improvements

127-03 - Subdistricts

LAST AMENDED 12/10/2020

In order to carry out the provisions of this Chapter, three subdistricts, Subdistrict A, Subdistrict B and Subdistrict C, are established.

The location and boundaries of these subdistricts are shown on Map 1 (Special Flushing Waterfront District and Subdistricts) in the Appendix to this Chapter.

127-04 - Definitions

LAST AMENDED 12/10/2020

For purposes of this Chapter, matter in italics is defined in Section [12-10](#) and within this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Conceptual plan

A “conceptual plan” is a plan that sets forth the proposed final design, in compliance with the requirements of Section [127-421](#) (Requirements for publicly accessible private streets), for the remaining portions of the #publicly accessible private street# or #upland connection# certified pursuant to paragraph (b)(1)(i) of Section [127-422](#) (Certification for publicly accessible private streets), or paragraph (a)(1)(i) of Section [127-542](#) (Supplemental provisions), respectively. The plan shall include the proposed location, dimensions and grading for such remaining portions on adjoining #zoning lots# and shall be considered by the Chairperson of the City Planning Commission in reviewing the proposed #final site plan# for such remaining portions, if and when they become the subject of a certification pursuant to paragraph (b)(2) of Section [127-422](#) or paragraph (a)(2) of Section [127-542](#).

Final site plan

A “final site plan” is a plan that specifies the final design for the location, dimensions, and grading of all or portions of the #publicly accessible private streets# or #upland connection# that are the subject of a certification pursuant to paragraphs (a) or (b) of Section [127-422](#) or paragraphs (a)(1) or (a)(2) of Section [127-542](#). Where applicable, the design of such plan shall be consistent with any #conceptual plan# for the same portion of the #publicly accessible private street# or #upland connection# and, once certified and implemented in accordance with paragraph (b) of Section [127-422](#) or paragraph (a) of Section [127-542](#), such plan shall supersede any #interim plan# for the same portion of a #publicly accessible private street# or #upland connection#.

Interim site plan

An “interim site plan” is a plan that specifies, for an interim period, the design for the location, dimensions, and grading of portions of the #publicly accessible private street# or #upland connection# that are the subject of a certification pursuant to paragraph (b)(1) of Section [127-422](#) or paragraph (a)(1) of Section [127-542](#) and located on the applicant’s #zoning lot#. A design

for an interim period is necessary where it is not feasible to implement the final design for such portions until build-out of the remaining portions of the #publicly accessible private street# or #upland connection# occurs. Such #interim site plan#, once certified, shall remain in effect until implementation of the #final site plan# in accordance with paragraph (b) of Section [127-422](#) or paragraph (a) of Section [127-542](#), at which time the certified #final site plan# shall supersede the #interim site plan#.

Publicly accessible private street

A “publicly accessible private street” is a way specified on Map 2 in the Appendix to this Chapter that functions as a #street# for the purposes of general public use, including vehicular and pedestrian traffic, and is open and unobstructed from its ground level to the sky, except by streetscape elements required or permitted by the provisions of this Chapter.

127-05 - Applicability of District Regulations

LAST AMENDED 12/10/2020

127-051 - Applicability of the Quality Housing Program

LAST AMENDED 12/10/2020

Within Subdistrict A and Subdistrict B, any #building# containing #residences#, or any #building# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 (Quality Housing) shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

127-052 - Applicability of the Inclusionary Housing Program

LAST AMENDED 12/10/2020

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections [23-154](#) and [23-90](#), #Mandatory Inclusionary Housing areas# within the #Special Flushing Waterfront District# are shown in APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) of this Resolution.

127-053 - Applicability of Article VI, Chapter 1

LAST AMENDED 12/10/2020

The provisions of Article VI, Chapter I (Special Regulations Applying Around Major Airports) shall apply, except as modified in accordance with the provisions of this Chapter.

127-054 - Applicability of Article VI, Chapter 2

LAST AMENDED 12/10/2020

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified in accordance with the provisions of this Chapter.

127-055 - Applicability of Article VI, Chapter 4

LAST AMENDED

5/12/2021

The provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones) shall apply. In the event of a conflict between the provisions of this Chapter and Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

127-056 - Applicability of Article XII, Chapter 3

LAST AMENDED 12/10/2020

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except as modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence District# or M1 District, as applicable.

127-10 - SPECIAL USE REGULATIONS

LAST AMENDED 12/10/2020

Within the #Special Flushing Waterfront District#, the #use# regulations of the underlying zoning districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

127-11 - Location of Residential Use Within Buildings

LAST AMENDED 12/10/2020

The provisions of Section [32-422](#) (Location of floors occupied by commercial uses) shall be modified to permit #dwelling units# on the same #story# as a #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial# #uses# are located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

127-12 - Sign Regulations

LAST AMENDED 12/9/2021

For M1 Districts paired with a #Residence District#, the provisions regulating #signs# in C4 Districts, as set forth in Section [32-60](#) (SIGN REGULATIONS), inclusive, shall apply for any #signs#.

127-20 - SPECIAL BULK REGULATIONS

LAST AMENDED 12/10/2020

For the purpose of applying the #bulk# regulations of this Section, inclusive, Subdistricts A, B and C, as shown on Map 1 in the Appendix to this Chapter, shall be considered #waterfront blocks#.

Within Subdistricts A and B, the applicable #bulk# regulations of the underlying districts and of Article VI, Chapter 2 (Special

Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

Within Subdistrict C, the applicable #bulk# regulations of the underlying districts and of Article VI, Chapter 2 shall apply.

All #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets#, shall be considered #streets# and their boundaries shall be considered #street lines# for the purposes of applying all #bulk# regulations, except that such #streets# shall not subdivide a #zoning lot#. Furthermore, such #streets# shall be considered part of the #zoning lot# for the purpose of applying the #floor area# regulations of this Section, inclusive.

127-21 - Special Floor Area Regulations

LAST AMENDED 12/10/2020

The #floor area# provisions of Section [62-32](#) (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks) and applicable regulations shall apply except as modified in this Section, inclusive.

(a) Floor space for accessory off-street parking

The #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

(b) Special floor area regulations for mixed use districts

For M1 Districts paired with a #Residence District#, located inside a #Mandatory Inclusionary Housing area#, the applicable maximum #floor area ratio# provisions of paragraph (d) of Section [23-154](#) (Inclusionary Housing) or Section [23-155](#) (Affordable independent residences for seniors) shall apply to all #residential uses#. In addition, the maximum #floor area ratio# shall be 4.8 for #community facility uses#, 3.0 for #commercial# #uses# and 3.0 for #manufacturing uses#.

127-22 - Special Yard Regulations

LAST AMENDED 12/10/2020

On #waterfront zoning lots#, the #waterfront yard# provisions of Section [62-33](#) (Special Yard Regulations on Waterfront Blocks) and grading requirements of paragraph (a) of Section [64-82](#) (Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor) shall apply, except as modified as follows:

- (a) for all #waterfront zoning lots#, as defined in Section [62-11](#) (Definitions), whose #developments# are comprised #predominantly#, as defined in Section [62-11](#), of #uses# in Use Groups 16, 17 and 18, a #waterfront yard#, as also defined in Section [62-11](#), shall be provided in accordance with the provisions of Section [62-332](#) (Rear yards and waterfront yards); and
- (b) the grading requirements of paragraph (a) of Section [64-82](#) may be modified pursuant to a certification by the Chairperson of the City Planning Commission as set forth in Section [127-61](#) (Certification for Interim Grading Conditions).

On #zoning lots# that are not #waterfront zoning lots#, no #yard# regulations shall apply.

127-23 - Special Height and Setback Regulations

The height and setback provisions of paragraphs (a)(4) of Section [62-341](#) (Developments on land and platforms) shall apply except as modified in Section [127-231](#) (Permitted obstructions). The remaining provisions of Section [62-341](#) shall be superseded by the provisions of this Section, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#, except where modified by specific provisions of this Section, inclusive, or by the provisions of Article VI, Chapter 4.

Sidewalk widenings shall be provided along specified #street# frontages and at specified depths as set forth on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter. Such sidewalk widening shall be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining sidewalk.

127-231 - Permitted obstructions

The permitted obstruction provisions of paragraph (a)(4) of Section [62-341](#) (Developments on land and platforms) shall be modified as follows:

- (a) the dormer provisions of paragraph (a)(4)(i) of Section [62-341](#) shall be modified pursuant to the provisions of paragraph (c)(1) of Section [127-233](#) (Base heights and setback regulations);
- (b) the penthouse regulations of paragraph (a)(4)(ii) of Section [62-341](#) shall not apply; and
- (c) the maximum height of any permitted obstructions shall be determined in accordance with the provisions of Article VI, Chapter 1 (Special Regulations Applying Around Major Airports), except where modified by certification of the Chairperson of the City Planning Commission pursuant to Section [127-236](#) (Certification to modify maximum height of building or other structure).

127-232 - Street wall location regulations

Along #street# frontages where a sidewalk widening is required pursuant to Map 3 in the Appendix to this Chapter, the #street wall# location requirements of this Section shall apply from the interior boundary of such sidewalk widening.

- (a) Along primary #street# frontages

Along primary #street# frontages, as shown on Map 3, at least 60 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and rise to at least the minimum base height as specified in Section [127-233](#) (Base heights and setback regulations), or the height of the building, whichever is lower. The remaining #aggregate width of street walls# may be located either within eight feet of the #street line# or beyond eight feet of the #street line#. The requirements of this paragraph shall not apply to the portion of a #building# adjacent to the major portion of a publicly accessible area, as specified in Section [127-43](#) (Publicly Accessible Area).

- (b) Along secondary #street# frontages

Along secondary #street# frontages, as shown on Map 3, #street walls# may be located at any distance from the #street line#.

- (c) Along all #street# frontages

Along both primary and secondary #street# frontages, recesses shall be permitted at the ground floor level as follows:

- (1) recesses up to three feet in depth from the #street wall# shall be permitted at any distance from the #street line# to provide access to the #building#; and
- (2) recesses that exceed a depth of three feet from the #street wall# shall be permitted, provided that such recesses are not deeper than 10 feet and have a height of at least 15 feet, as measured from the adjacent sidewalk level to the ceiling of such ground floor recess.

127-233 - Base heights and setback regulations

LAST AMENDED 12/10/2020

(a) Along primary #street# frontages

Along primary #street# frontages, as shown on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter, the following shall apply:

- (1) The minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 105 feet along College Point Boulevard and 75 feet along all other primary #street# frontages.
- (2) Along Type 1 primary #street# frontages, at a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:
 - (i) the depth of such required setback may be reduced in accordance with the provisions of paragraph (c)(2) of Section [23-662](#) (Maximum height of buildings and setback regulations). However, where a sidewalk widening is required pursuant to this Section, as indicated on Map 4 (Waterfront Access Plan: Parcel Designation), the minimum depth of the required setback above the maximum base height may be reduced to five feet, as measured from the #street wall# ; and
 - (ii) the depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback of less than seven feet, as applicable, does not exceed 40 percent of the #aggregate width of street wall# at any level.
- (3) Along Type 2 primary #street# frontages, a #building# may rise without any setback above the maximum base height.

(b) Along secondary #street# frontages

Along secondary #street# frontages, as shown on Map 3, the following shall apply:

- (1) Along the #shore public walkway#, the maximum base height shall be 75 feet, and any portion of a #building# that exceeds the maximum base height shall be set back at least 10 feet from the #street line#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in such setback distance.
- (2) Along other secondary #street# frontages, the minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 75 feet. However, along secondary #street# frontages facing an #upland connection# with a width of less than 30 feet pursuant to the applicable provisions of paragraph (a) of Section [127-532](#) (Upland connections), the minimum base height shall be 15 feet. At a height not lower than the

minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:

- (i) the depth of such required setback may be reduced in accordance with the provisions of paragraph (c)(2) of Section [23-662](#). However, where a sidewalk widening is required pursuant to this Section, as specified on Map 3, the portion of a #building# located above the maximum base height need not set back more than 10 feet from the #street line#, provided such #building# portion meets the requirements of paragraph (d) of Section [127-234](#) (Tower regulations), as applicable; and
- (ii) the depth of such required setback may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback of less than 10 feet, or the reduced setback distance pursuant to the provisions of paragraph (b)(2)(i) of this Section, as applicable, does not exceed 40 percent of the #aggregate width of street wall# at any level; and

(c) Additional allowances along all #street# frontages

- (1) Within a required setback area, dormers and projections shall be considered permitted obstructions, and shall be permitted as follows:
 - (i) The aggregate #street wall# width of all dormers and projections combined shall not exceed 50 percent of the #aggregate width of street wall# of the #story# below the required setback. Any projection deeper than five feet shall be considered a dormer.
 - (ii) The aggregate #street wall# width of dormers shall not exceed 30 percent of the #aggregate width of street wall# of the #story# below the required setback. The height of such dormers shall not exceed 135 feet in Subdistrict A and 175 feet in Subdistrict B, as measured above the #base plane#. No dormers shall be permitted along #street walls# fronting on the #shore public walkway#.
- (2) Notwithstanding the applicable setback regulations in paragraphs (a) and (b) of this Section, portions of #buildings or other structures# located:
 - (i) within 150 feet of a publicly accessible area, and either
 - (ii) adjacent to such publicly accessible area, or
 - (iii) along a #street# across from such publicly accessible area located on the same #zoning lot#,

may rise without a setback, provided that such publicly accessible area is in compliance with the provisions of Section [127-43](#) (Publicly Accessible Area). In addition, all #street walls# facing such publicly accessible area shall be subject to the articulation requirements of Section [127-235](#) (Supplemental articulation regulations).

127-234 - Tower regulations

LAST AMENDED 12/10/2020

For the purposes of applying the provisions of this Section, a “tower” shall be any portion of a #building or other structure# that is located above the maximum base height. Such portion of a #building or other structure# shall be subject to the following requirements:

(a) Maximum tower widths

Along the #shore public walkway#, the maximum width of a tower, or portion thereof, that is located within 110 feet of the pierhead line and facing the #shore public walkway#, shall not exceed 100 feet. Such width shall be determined by drawing perpendicular lines in plan view from the pierhead line to the outermost extents of the #street wall# of such tower, or portion thereof, within 110 feet of the pierhead line, exclusive of any permitted projections and dormers. However, in Subdistrict A, where the depth of a #zoning lot#, or portion thereof, is less than 220 feet, the maximum width of a tower within such shallow lot portion, shall not exceed 130 feet, provided that such depth was in existence both on December 10, 2020, and on the date of application for a building permit.

Along all other #streets#, the #aggregate width of street wall# in a tower shall not exceed 250 feet.

(b) Tower top regulations

For all #zoning lots# in Subdistrict A, and for each portion of a #zoning lot# in Subdistrict B, bounded entirely by #streets#, as such term is defined in Section [127-20](#), the following requirements shall apply:

- (1) Where two or more towers are provided and any portion of such towers exceeds 175 feet, the following shall apply:
 - (i) the gross area of the highest two #stories# of at least one tower shall not exceed 80 percent of the gross area of the #story# immediately below such #stories#; or
 - (ii) a height difference of at least 20 feet, or two #stories#, whichever is less, shall be provided between such towers.
- (2) Where only one tower is provided and the aggregate portions of such tower above 175 feet exceeds a gross area of 15,000 square feet, the gross area of the highest two #stories# shall not exceed 80 percent of the gross area of the #story# immediately below such #stories#.

(c) Maximum tower height

The maximum height of a #building or other structure# shall be determined in accordance with the provisions of Article VI, Chapter 1 (Special Regulations Applying Around Major Airports), except where modified by certification of the Chairperson of the City Planning Commission pursuant to Section [127-236](#) (Certification to modify maximum height of building or other structure).

(d) Additional requirements within Subdistrict B

Along Janet Place, where a sidewalk widening is required pursuant to Map 3, the width of each individual tower portion located within 50 feet of the #street line# of Janet Place shall not exceed 70 feet, exclusive of any permitted projections and dormers. Such width shall be determined by drawing perpendicular lines in plan view from the #street line# to the outermost extents of the #street wall# of such tower, or portion thereof, within 50 feet of the #street line#, exclusive of any permitted projections and dormers. Such tower portion and any other such tower portion within the same or an #abutting# #building# shall be separated by at least 40 feet.

127-235 - Supplemental articulation requirements

LAST AMENDED 12/10/2020

In addition to all other provisions of Section [127-23](#) (Special Height and Setback Regulations), inclusive, for #street wall# widths exceeding 150 feet, as measured parallel to the #street line#, articulation shall be provided in accordance with the provisions of this Section.

The depth of required recesses or projections of a #building# shall be measured from the #street wall#. For the purpose of applying the provisions of this Section, the base height of such #building# shall be either the maximum base height or the height of such #building# where a required setback pursuant to the provisions of Section [127-233](#) (Base heights and setback regulations) is provided, whichever is lower. However, if such #building# provides multiple setbacks, the highest of such multiple setbacks shall be considered the base height of such #building#.

The portion of a tower #street wall# subject to the tower top regulations of paragraph (b) of Section [127-234](#) (Tower regulations) shall not be included for the purposes of determining or satisfying the articulation requirements of this Section. In addition, setbacks provided in accordance with the provisions of Section [127-233](#) shall not constitute recesses.

(a) Along all #streets# other than #shore public walkways#

For #street walls# fronting #streets# other than the #shore public walkway#, a minimum of 15 percent of the entire surface area of each #street wall# shall either recess or project a minimum of two feet from the #street wall# with no individual recess or projection exceeding 50 percent of such surface area of the #street wall#.

Along each #street wall# frontage, at least one-third of such overall 15 percent requirement shall be provided in the form of articulation below the base height of such #building#, and at least one-third shall be provided above the base height, respectively. The remaining one-third of such 15 percent requirement may be located anywhere on the #street wall#. Where a #street wall# frontage does not exceed the maximum base height, the overall 15 percent requirement shall be provided in the #building# base.

Within the articulation provided in the #building# base, the aggregate width of articulation at each level where provided shall achieve a #street wall# width that is equivalent to at least 10 percent of the #aggregate width of street wall# at that level, and no individual recess or projection shall have a #street wall# width of less than 10 feet.

In no event shall the total amount of projections above the base height exceed the thresholds permitted pursuant paragraph (c)(1) of Section [127-233](#).

(b) Along the #shore public walkway#

For #street walls# fronting the #shore public walkway#, at least five percent of the entire surface area of the #street wall# below the base height shall either recess or project a minimum of two feet from the #street wall# with no individual recess or projection exceeding 50 percent of such surface area of the #street wall#.

Within the articulation provided in the #building# base, the aggregate width of articulation at each level where provided shall achieve a #street wall# width that is equivalent to at least 10 percent of the #aggregate width of street wall# at that level, and no individual recess or projection shall have a #street wall# width of less than 10 feet.

127-236 - Certification to modify maximum height of building or other structure

LAST AMENDED 12/10/2020

The special permit provisions of Section [73-66](#) (Height Regulations Around Airports) shall not apply. In lieu thereof, the height restrictions of Sections [61-21](#) (Restriction on Highest Projection of Building or Structure) or [61-22](#) (Permitted Projection within any Flight Obstruction Area), may be modified where the Chairperson of the City Planning Commission has certified to the Department of Buildings that the provisions of this Section have been met. An application for such certification shall include:

(a) a site plan and elevations, showing the proposed #building or other structure# in relation to the underlying maximum height limits;

- (b) separate verification letters from the Federal Aviation Administration and the Port Authority of New York and New Jersey that such #building or other structure#, including the location of temporary structures such as construction cranes, will not constitute a danger to the safety of air passengers or disrupt established airways or runway operations, respectively; and
- (c) materials sufficient to demonstrate that the modified height of a #building or other structure# does not exceed 200 feet above mean sea level within Subdistrict A, and 245 feet above mean sea level within Subdistrict B.

127-30 - SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED 12/10/2020

Within the #Special Flushing Waterfront District#, the applicable parking and loading regulations set forth in Article III, Chapter 6, Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations), Article VI, Chapter 4 (Special Regulations Applicable to Certain Areas), and Article XII, Chapter 3 (Special Mixed Use District) shall apply, inclusive, except as modified in this Section. For the purpose of applying the provisions of this Section, all #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets#, as specified in Section [127-42](#) (Publicly Accessible Private Streets), shall be considered #streets# and their boundaries shall be considered a #street line#.

127-31 - Accessory Off-street Parking Regulations

LAST AMENDED 12/10/2020

The underlying parking regulations shall be modified as follows:

- (a) In M1 Districts paired with a #Residence District# in Subdistrict A, the following shall apply:
 - (1) #Commercial# and #manufacturing uses# shall provide either one parking space for every 1,000 square feet of #floor area#, or shall provide parking spaces at the rate required for M1-2 Districts pursuant to Section [44-21](#) (General Provisions), whichever requires a smaller number of spaces.

In addition, the provisions of Section [44-23](#) (Waiver of Requirements for Spaces Below Minimum Number) and paragraph (a) and (b) of Section [44-231](#) (Exceptions to application of waiver provisions) shall not apply to #manufacturing uses#. In lieu thereof, #accessory# off-street parking spaces may be waived for #manufacturing# and #commercial# #uses# if the number of spaces for all applicable uses is at or below 40 spaces.
 - (2) #Residential# and #community facility uses# shall be subject to the parking requirements of R7-1 Districts, as set forth in Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations).
- (b) In C4-2 Districts within Subdistricts B and C, the parking requirements applicable to C4-4 Districts, as set forth in Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall apply.

127-32 - Loading Regulations

LAST AMENDED 12/10/2020

The provisions of the underlying loading regulations shall be modified as follows:

- (a) in C4-2 Districts, the loading requirements applicable to C4-4 Districts, as set forth in Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall apply;

- (b) the requirement of Sections [36-60](#) (OFF-STREET LOADING REGULATIONS), inclusive, and [44-50](#) (OFF-STREET LOADING REGULATIONS), inclusive, shall not apply to changes of uses;
- (c) the provisions of Sections [36-63](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements), [36-64](#) (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses), [44-53](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and [44-54](#) (Wholesale, Manufacturing or Storage Uses Combined With Other Uses) shall not apply; and
- (d) the minimum length requirements for loading berths ~~accessory~~ to ~~commercial~~ ~~uses~~, other than funeral establishments, and wholesale, manufacturing or storage ~~uses~~, as set forth in Sections [36-681](#) (Size of required berths), and [44-581](#) (Size of required loading berths), shall be 37 feet.

127-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED 12/10/2020

Within Subdistrict A and Subdistrict B, the district plan element provisions of this Section shall apply. For the purpose of applying the provisions of this Section, inclusive, all ~~upland connections~~, ~~visual corridors~~, ~~shore public walkways~~ and ~~publicly accessible private streets~~ shall be considered ~~streets~~ and their boundaries shall be considered a ~~street line~~.

127-41 - Special Streetscape Regulations

LAST AMENDED 12/10/2020

For the purposes of applying the special streetscape provisions of Section [37-30](#) to this Chapter, any portion of a ~~ground floor level~~ ~~street~~ frontage along primary ~~street~~ frontages designated on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter shall be considered ~~primary street frontages~~, and a ~~ground floor level~~ ~~street~~ frontage along secondary ~~street~~ frontages on Map 3 shall be considered a ~~secondary street frontage~~. In addition, defined terms shall include those in Sections [12-10](#) and 37-311.

127-411 - Special provisions for frontages along streets and the shoreline

LAST AMENDED 12/10/2020

The provisions of this Section shall apply to ~~developments~~ or ~~ground floor level~~ ~~enlargements~~.

- (a) At the intersection of ~~primary street frontages~~

For ~~ground floor level~~ ~~street walls~~ within 50 feet of the intersection of two ~~primary street frontages~~, as shown on Map 3 in the Appendix to this Chapter:

- (1) #uses# on the #ground floor level#, to the minimum depth set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for lobbies.
- (2) #Group parking facilities# located on the #ground floor level# of a #building# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements), and above the #ground floor level#, such parking facilities shall be wrapped by #floor area# or screened in accordance with the provisions of Section [37-35](#).
- (3) #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements).

(b) Along other #street# frontages

For portions of #buildings# along the remainder of #primary street frontages#, and for #buildings# with #secondary street frontages#, as shown on Map 3, #group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# or screened in accordance with the provisions of Section [37-35](#). However, for portions of #buildings# facing the #shoreline#, #group parking facilities# at all levels shall be wrapped by #floor area# or screened in accordance with the provisions of Section [37-35](#).

127-412 - Special provisions for blank walls

LAST AMENDED
5/12/2021

The blank wall provisions of paragraph (a)(7)(ii) of Section [62-655](#) (Planting and trees) shall not apply. In lieu thereof, the visual mitigation elements shall be provided in accordance with the provisions for Type 2 blank walls set forth in Section [37-361](#) (Blank wall thresholds).

127-42 - Publicly Accessible Private Streets

LAST AMENDED 12/10/2020

The provisions of this Section, inclusive, shall apply to any #development#, as defined in Section [62-11](#) (Definitions), on a #zoning lot# that contains any portion of a required #publicly accessible private street#.

127-421 - Requirements for publicly accessible private streets

LAST AMENDED 12/10/2020

#Publicly accessible private streets# shall be:

- (a) accessible to the public at all times, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area. Where an #upland connection# is designated on a #publicly accessible private street# as specified on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter, the provisions of this paragraph shall supersede the hours of access provisions applicable to an #upland connection#;
- (b) constructed to the dimensions specified on Map 2 (Publicly Accessible Private Street Network) in the Appendix to this Chapter and be constructed to Department of Transportation standards for public #streets# including, but not limited to, sidewalks, curb design, lighting, traffic signage, pavement materials, drainage and crosswalks. In addition, where an

#upland connection# is designated on a #publicly accessible private street# as specified on Maps 7 and 8 (Phase I and Phase II Waterfront Public Access Improvements, respectively) in the Appendix to this Chapter, the #upland connection# design requirements of Section [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply; and

- (c) constructed with sidewalks that have a minimum clear path of eight feet along their #street lines#, except where an #upland connection# is designated on a #publicly accessible private street#. Such sidewalks shall be provided with street trees in accordance with the provisions of Section [26-41](#) (Street Tree Planting), except that such street trees shall be planted within a street tree pit or a raised planting bed, with at least 180 cubic feet of soil for each tree, and with a minimum horizontal width of four feet and vertical depth of 3 feet 6 inches, and such planting pit or raised planting bed shall be located adjacent to, and extend along the curb.

127-422 - Certification for publicly accessible private streets

LAST AMENDED 12/10/2020

Where a #publicly accessible private street# is designated entirely within a #zoning lot#, the provisions of paragraph (a) of this Section shall apply. Where a #publicly accessible private street# is designated on two or more #zoning lots# and the design and construction of adjoining portions of the #publicly accessible private street# may not be finalized, the provisions of paragraph (b) of this Section shall apply. The provisions of paragraph (b) provide for certification of such portions of a #publicly accessible private street# in accordance with an #interim site plan# that satisfies the requirements of the New York City Fire Code; a #conceptual plan# for portions of the #publicly accessible private street# on other #zoning lots# that will be certified and constructed at a later time; and a #final site plan#, which will either supersede an #interim site plan# or be guided by a #conceptual plan#. The provisions of paragraph (c) shall apply to #development# on a #zoning lot# that contains any portion of a required #publicly accessible private street#.

No building permit shall be issued for a #development# on a #zoning lot#, containing any portion of a #publicly accessible private street#, until the Chairperson of the City Planning Commission certifies, in conjunction with a certification pursuant to Section [127-54](#) (Special Review Provisions) to the Department of Buildings that:

- (a) where the #publicly accessible private street# is designated on one #zoning lot#, or where the #publicly accessible private street# is designated on two or more #zoning lots# and such #publicly accessible private street# will be constructed in its entirety concurrently with the applicant's #development#, a #final site plan# has been submitted;
- (b) where the #publicly accessible private street# is designated on two or more #zoning lots# and the portion of such #publicly accessible private street# located outside of the applicant's property will not be or has not been constructed concurrently with the applicant's #development#:
 - (1) if no prior certification pursuant to this Section was issued for a portion of the #publicly accessible private street# on another #zoning lot#, the Chairperson shall certify that:
 - (i) a #conceptual plan# has been submitted for the #publicly accessible private street#. In addition, certified mailing of notification that the applicant is seeking to commence construction of such #publicly accessible private street# shall be given to all other owners whose property contains any remaining portion of such #publicly accessible private street#, along with a copy of such #conceptual plan#;
 - (ii) a #final site plan# for the applicant's #zoning lot# has been submitted showing compliance with the design standards of Section [127-421](#) (Requirements for publicly accessible private streets). In addition, where compliance with the fire apparatus access road requirements, set forth in the New York City Fire

Code, require modifications to the design standards of Section [127-421](#), an #interim site plan# has been submitted that deviates from such design standards to the minimum extent necessary; and

- (iii) the grading proposed in the #final site plan#, #conceptual plan# and #interim site plan# have been certified pursuant to Section [127-61](#).

Property owners of #zoning lots# containing any remaining portion of the #publicly accessible private street# shall have up to 30 days from the date of the applicant's certified mailing of the notification required in paragraph (b)(1)(i) of this Section to respond to the applicant and to confirm for the Chairperson that the construction of the entire #publicly accessible private street# is not feasible concurrently with the applicant's #development#. In the event that such notified property owners do not respond to the applicant and the Chairperson within the 30-day period, the applicant may proceed with completing this certification. Where a notified property owner responds that it is feasible to complete the portion of the #publicly accessible private street# on such owner's #zoning lot# concurrently with the applicant's portion, such property owner shall commence certification pursuant to the applicable provisions of this Section within 45 days from the date of submitting such response. In the event such notified property owners do not commence such certification within the 45-day period, the applicant may proceed with completing this certification.

In addition, where construction of #publicly accessible private streets# will not occur concurrently on the adjoining #zoning lot#, property owners of #zoning lots# containing any remaining portion of the #publicly accessible private street# shall have up to 45 days from the date of submitting their response to comment on any anticipated practical difficulties associated with the proposed location, dimensions and grading specified in the #conceptual plan# that would preclude the reasonable development of such owner's property. Any submission of comments to the applicant and Chairperson shall include documentation from a licensed architect, landscape architect, or engineer, as applicable, that demonstrates the reason for such anticipated practical difficulties.

Copies of the approved #conceptual plan#, as well as the certified #interim site plan# and #final site plan# shall be forwarded to all property owners of a #zoning lot# containing any remaining portion of the #publicly accessible private street#.

Any portion of the #publicly accessible private street# constructed in compliance with a certified #interim site plan# shall be converted to the final design in compliance with the certified #final site plan# for such portion upon receiving notice from an adjoining property owner as set forth in paragraph (b)(2) of this Section that the remaining portion of the #publicly accessible private street# has been substantially completed and opened to the public.

- (2) If a prior certification pursuant to paragraph (b)(1) of this Section was issued for a portion of a #publicly accessible private street# on another #zoning lot#, the Chairperson shall certify that:

- (i) a #final site plan# for the applicant's #zoning lot# has been submitted that is consistent with the #conceptual plan# from the prior certification; and
- (ii) the proposed amenities and design elements within the #final site plan# in the applicant's portion of a #publicly accessible private street# shall match or complement those that were previously constructed.

Upon substantial completion by applicant of its portion of the #publicly accessible private street# that has been constructed pursuant to a certified #interim site plan# and the opening of such portion to the public, notice shall be provided to any property owner of a #zoning lot# containing a portion of such #publicly accessible private street#. Such notice shall be provided to enable such other owner sufficient time, as shall be specified in the restrictive declaration required pursuant to paragraph (c) of this Section, to convert any constructed interim condition and complete the #publicly accessible private street# in compliance with the previously approved

#final site plan#; and

- (c) a restrictive declaration has been executed and recorded against the applicant's #zoning lot# in accordance with the provisions of Section [127-423](#) (Restrictive declaration). Required site plans, the #conceptual plan# and a maintenance and capital repair plan for the #publicly accessible private street# shall be included as exhibits to the restrictive declaration.

No temporary or final certificate of occupancy shall be issued until the Chairperson of the City Planning Commission notifies the Department of Buildings that the proposed #publicly accessible private street#, or portion thereof, has been substantially completed in compliance with the certified #interim site plan# or #final site plan#, and is open to the public. In addition, where a property owner seeks certification pursuant to paragraph (b)(2) of this Section, no temporary or final certificate of occupancy shall be issued until interim portions of the #publicly accessible private street# are completed in compliance with the previously approved #final site plan# for such portions.

127-423 - Restrictive declaration

LAST AMENDED 12/10/2020

For any #publicly accessible private street# proposed for certification pursuant to Section [127-422](#) (Certification for a publicly accessible private street), a restrictive declaration shall be provided to ensure the proper construction, improvement, operation, maintenance and repair of the roadbed and any sidewalk adjacent to the roadbed. Adequate security shall be specified in such declaration to ensure that the #publicly accessible private street# is maintained in accordance with the declaration. The restrictive declaration shall further specify that the #publicly accessible private street# shall not be used for any other purposes than #street#-related purposes, including, but not limited to, pedestrian and vehicular circulation, and shall be publicly accessible at all times. To ensure proper #street# use and provide enforcement, in accordance with the parking provisions set forth in the restrictive declaration, executed contracts with a security monitoring and a towing company shall be required prior to the issuance of a temporary certificate of occupancy. In addition, a reserve account with sufficient funds for the maintenance and capital repair of the constructed #publicly accessible private street# shall be maintained at all times. Such reserves, contracts, and the required maintenance and repair shall be the responsibility of a Property Owner's Association that will oversee the management and maintenance of the #publicly accessible private streets#, upon the development on two or more #zoning lots#, and include as members all property owners of #zoning lots# bordering or containing the completed #publicly accessible private streets#. Filing and recording of the restrictive declaration shall be a precondition to the Chairperson's certification under Section [127-422](#).

Such restrictive declaration shall be prepared in a form acceptable to the Department of City Planning, filed and duly recorded in the Borough Office of the Register of the City of New York, and indexed against the property. The restrictive declaration and any maintenance and operation agreement shall run with the land and be binding on the owners, successors and assigns.

In addition, the portions of the #publicly accessible private streets# on a #developed# #zoning lot# shall be recorded on the certificate of occupancy for such #building# by the Department of Buildings. The recording information of the restrictive declaration shall be included on the certificate of occupancy for any #building#, or portion thereof, issued after the recording date.

127-424 - Certification for zoning lot subdivision

LAST AMENDED 12/10/2020

In conjunction with a certification pursuant to Section [62-812](#) (Zoning lot subdivision), a #zoning lot# that existed before December 10, 2020, containing any portion of #publicly accessible private street# may be subdivided into two or more #zoning lots# or reconfigured in a manner that would reduce its area or dimension, provided that the Chairperson of the City Planning

Commission certifies that the provisions of paragraph (a), (b) or (c) of such Section are satisfied as to #waterfront public access area#, #visual corridors# and #publicly accessible private streets#, respectively. For the purposes of applying such provisions, the regulations pertaining to #waterfront public access areas# and #visual corridors# shall also be applied to #publicly accessible private streets#.

127-43 - Publicly Accessible Area

LAST AMENDED 12/10/2020

Where a tower rises sheer in accordance with the provisions of paragraph (c)(2) of Section [127-233](#) (Base heights and setback regulations), no #building# permit shall be issued by the Department of Buildings until the Chairperson of the City Planning Commission certifies a site plan demonstrating that a publicly accessible area, in compliance with the following requirements, will be provided.

(a) Minimum size and location

A publicly accessible area shall contain a minimum area of at least 2,000 square feet. Such publicly accessible area shall be located at the intersection of two #streets#, and shall have a minimum width of 20 feet along each #street line#. A publicly accessible area shall in no event include area within a #publicly accessible private street#.

In addition, the major portion of a publicly accessible area shall occupy no less than 75 percent of the total publicly accessible area. The major portion is the largest area of the publicly accessible area and is the area of primary use. Major portions shall be generally regular in shape, easily and directly accessible from adjoining #buildings# and public spaces, and continuously visible from all portions of the publicly accessible area and from adjoining public spaces.

(b) Design requirements

All publicly accessible areas shall comply with the following provisions:

- (1) a minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least two feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;
- (2) one linear foot of seating shall be provided for each 60 square feet of publicly accessible area. For the purposes of such calculation, moveable seating or chairs may be credited as 24 inches of linear seating per chair;
- (3) permitted obstructions within such area shall be subject to the provisions of Section [37-726](#) (Permitted obstructions), and any kiosk or open air cafe provided shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section [37-73](#) (Kiosks and Open Air Cafes);
- (4) the provisions of Section [37-722](#) (Level of plaza) and [37-728](#) (Standards of accessibility for persons with disabilities) shall apply to such area, and any steps provided shall be subject to the provisions of Section [37-725](#) (Steps);
- (5) entry plaques and information plaques shall be provided in accordance with the provisions of paragraphs (a) and (b) of Section [37-751](#) (Public space signage systems); and
- (6) all ground floor level #building# walls located within a distance of 150 feet from and facing a publicly accessible area provided on the same #zoning lot# shall either comply with the provisions of paragraph (a) of Section [127-411](#) (Special provisions for frontages along streets and the shoreline), or the provisions of paragraph (e) of Section [127-412](#) (Special provisions for blank walls).

(c) Design changes

Any modification to a publicly accessible area certified pursuant to the provisions that, in the aggregate, results in design changes impacting more than 20 percent of the area of such publicly accessible area as compared to the certified plans, shall require a new certification pursuant to the provisions of this Section. Where a design change does not exceed 20 percent, the modifications made to the publicly accessible area shall not reduce the amount of amenities provided or otherwise creates a non-compliance with the provisions of this Section.

(d) Hours of public access

Such publicly accessible area shall be accessible to the public between the hours of 6:00 a.m. and 10:00 p.m. seven days of the week.

No certificate of occupancy shall be issued until the Chairperson of the City Planning Commission determines that the publicly accessible area is substantially completed in compliance with the certified plan and that such space has been made available for use by the public in compliance with the requirements of this Section.

127-50 - FLUSHING WATERFRONT ACCESS PLAN

LAST AMENDED 12/10/2020

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive. Map 4 (Waterfront Access Plan: Parcel Designation), Map 5 (Waterfront Access Plan: Visual Corridors), and Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter show the boundaries of the area comprising the Flushing Waterfront Access Plan, boundaries of parcels within the Plan and the location of certain features mandated or permitted by the Plan.

The Plan has been divided into parcels consisting of tax blocks and lots and other lands as established on December 10, 2020, as follows:

Subdistrict A

Parcel 1: Block 4963, Lots 212 and 249

Parcel 2: Block 4963, Lot 210

Parcel 3: Block 4963, Lot 200

Subdistrict B

Parcel 4: Block 4963, Lot 85

Parcel 5: Block 4963, Lot 65

Parcel 6: Block 4963, Lot 75

Parcel 7: Block 4963, Lots 7, 8 and 9

Parcel 8: Block 4963, Lot 1

Subdistrict C

Parcel 9: Block 5066, Lots 7503 and 7507

Any #development# on a #zoning lot# within the parcels listed above shall be subject to the requirements of Section [127-51](#) (Modified Applicability for Visual Corridors and Waterfront Public Access Areas), Section [127-52](#) (Special Requirements for Visual Corridors), Section [127-53](#) (Special Requirements for Waterfront Public Access Areas) and Section [127-54](#) (Special Review Provisions).

For the purposes of this Section, inclusive, defined terms shall include those listed in Sections [12-10](#) and [62-11](#), but #development# shall be as defined in Section [62-11](#).

127-51 - Modified Applicability for Visual Corridors and Waterfront Public Access Areas

LAST AMENDED 12/10/2020

The applicability provisions for #visual corridors# pursuant to Section [62-51](#) (Applicability of Visual Corridor Requirements) and #waterfront public access areas# pursuant to Section [62-52](#) (Applicability of Waterfront Public Access Area Requirements) shall apply, except as modified as follows:

- (a) #developments# comprised predominantly of #uses# in Use Groups 16, 17 or 18, except for docking facilities serving passenger vessels or sightseeing, excursion or sport fishing vessels, are subject to the special requirements for #visual corridors# set forth in Section [127-52](#); and
- (b) #developments# comprised predominantly of #uses# in Use Groups 16, 17 or 18 shall provide a minimum amount of #waterfront public access area# in accordance with the provisions of Section [62-58](#) (Requirements for Water-Dependent Uses and Other Developments). Within such #waterfront public access area#, a circulation path shall be provided with a minimum clear width of at least 10 feet and shall connect with either an adjoining #shore public walkway# or additional circulation paths on adjoining #zoning lots#.

127-52 - Special Requirements for Visual Corridors

LAST AMENDED 12/10/2020

For #developments# within Parcels 3, 5 and 7, #visual corridors# shall be provided in the locations designated on Map 5 in the Appendix to this Chapter and pursuant to the requirements of Sections [62-51](#) (Applicability of Visual Corridor Requirements) and [62-65](#) (Public Access Design Reference Standards).

127-53 - Special Requirements for Waterfront Public Access Areas

LAST AMENDED 12/10/2020

#Waterfront public access areas# shall be provided pursuant to Sections [62-52](#) (Applicability of Waterfront Public Access Area Requirements), [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), and [62-70](#) (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, except as modified in this Section, inclusive.

For all such #waterfront public access areas#, as designated on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter, the minimum seat depth requirement of paragraph (b) of Section [62-652](#) (Seating) shall be modified to 16 inches.

127-531 - Shore public walkways

For #zoning lots# #developed# within Parcels 1, 3, 4, 5, 7 and 8, a #shore public walkway# shall be provided in the location designated on Map 6 in the Appendix to this Chapter. The applicable provisions of Section [62-53](#) (Requirements for Shore Public Walkways) and Section [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply except as modified in this Section:

- (a) the circulation and access provisions of paragraph (a) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be modified as follows:
 - (1) the required circulation path within a #shore public walkway# shall be provided at a minimum elevation of 5 feet, 6 inches above the #shoreline#, except that such requirement need not include portions of a circulation path that slope downward to meet the elevation of an existing publicly accessible sidewalk;
 - (2) where secondary circulation paths are provided, such paths may count as a part of the required circulation path for satisfying the locational requirement of being within 10 feet of the #shoreline# for at least 20 percent of the length of such #shoreline#. However, such secondary circulation paths may comply with the paving requirements of paragraph (a)(2) of Section [62-656](#); and
 - (3) where a #shore public walkway# is on a #zoning lot# that is adjacent to a #waterfront zoning lot# without a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning# #lot line# shall be located within 40 feet of the shoreline;
- (b) the minimum width of the screening buffer pursuant to paragraph (c)(2)(ii) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be four feet. No screening buffer shall be required where there is a pathway connecting a required circulation path towards a publicly accessible sidewalk or entry to a commercial or community facility use; and
- (c) the grade level of required planting areas pursuant to paragraph (d)(2) of Section [62-61](#) (General Provisions Applying to Waterfront Public Access Areas) shall be increased to no more than three feet higher or lower than the adjoining level of the pedestrian circulation path.

127-532 - Upland connections

For #developments# within Parcels 1, 2, 3, 4, 5 and 7, #upland connections# shall be provided as specified on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter. The applicable provisions of Section [62-56](#) (Requirements for Upland Connections) and Section [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply except as modified in this Section.

- (a) Flexible location zone

For #developments# on Parcels 1, 2 and 3, a single #upland connection# shall be provided pursuant to the following provisions:

- (1) If Parcel 1 #develops# before Parcels 2 or 3, a Type 1 #upland connection# shall be provided with a minimum width of 20 feet. The requirements of paragraph (a)(2) of Section [62-561](#) (Types of upland connections) shall not apply and the minimum planting area requirements shall be reduced to 25 percent. Where such #upland connection# is provided without a 20-foot-wide open area, an average maintained level of illumination of not

less than one and a half horizontal foot candles (lumens per foot) shall be provided throughout all walkable areas;

- (2) If Parcels 1 and 2 are #developed# jointly before Parcel 3, an #upland connection# shall be provided on Parcels 1 and 2, along their southerly boundary, pursuant to the requirements of Sections [62-561](#) and [62-64](#) (Design Requirements for Upland Connections). The 20-foot-wide open area required pursuant to paragraph (a)(2) of Section [62-561](#) shall be provided on Parcel 3, along its northerly boundary, at the time Parcel 3 #develops#. In any event, the required open area shall abut such required upland connection;
- (3) If Parcel 3 #develops# before Parcels 1 or 2:
 - (i) where a #development# is comprised predominantly of Use Groups 1 through 15 inclusive, an #upland connection# shall be provided on Parcel 3 pursuant to the requirements of Section [62-561](#) and Section [62-64](#). If such #upland connection# is provided along the northerly boundary of such Parcel, the required 20-foot-wide open area pursuant to paragraph (a)(2) of Section [62-561](#) shall be satisfied on Parcels 1 and 2, along the southerly boundary, at the time these parcels #develop#. However, in any event, the required open area shall abut such required upland connection;
 - (ii) where a #development# is comprised predominantly of #uses# in either Use Groups 16, 17 or 18, a Type 1 #upland connection# shall be provided with a minimum width of 20 feet. The requirements of paragraph (a)(2) of Section [62-561](#) shall not apply and the minimum planting area requirements shall be reduced to 25 percent; or
- (4) If Parcels 2 and 3 are #developed# jointly before Parcel 1, an #upland connection# shall be provided pursuant to the requirements of Sections [62-561](#) and [62-64](#).

For any other sequencing or combination of #developments#, a single #upland connection# shall be provided pursuant to the provisions of Sections [62-561](#) and [62-64](#) within the flexible location zone on Map 6.

(b) Minimum standards for interim condition

Where an #upland connection# is designated on two or more parcels and only a portion of such #upland connection# can be constructed pursuant to a specific certification, such portion of the #upland connection# may be provided independently to satisfy the requirements of Section [62-56](#). Where the New York City Fire Department determines that such requirements conflict with the provision of unobstructed width for fire apparatus access roads pursuant to the New York City Fire Code, the design requirements of Section [62-60](#) shall be modified to the minimum extent necessary to accommodate such fire apparatus access roads requirements. However, all interim conditions shall meet the following requirements:

- (1) provide public access from the first upland #street# to the #shore public walkway#; and
- (2) for every tree pit required pursuant to the provisions of paragraph (c)(1) of Section [62-64](#) (Planting) that is not provided, a moveable planter shall be provided.

Such interim condition shall be certified pursuant to paragraph (a)(1) of Section [127-542](#) (Supplemental provisions) and Section [127-61](#) (Certification for Interim Grading Conditions).

127-533 - Phased development of waterfront public access areas

LAST AMENDED 12/10/2020

When a parcel is undergoing partial #development# or the #zoning lot# corresponding to a parcel is subdivided or reconfigured

pursuant to Section [62-812](#) (Zoning lot subdivision), the City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements pursuant to paragraph (c) of Section [62-822](#) (Modification of waterfront public access area and visual corridor requirements).

However, in Subdistrict B, when partial #development# occurs on the upland portion of Parcels 4, 5 and 7 that is bounded by #publicly accessible private streets# or #streets#, a phasing plan to implement #waterfront public access areas# may be certified pursuant to Section [127-54](#) (Special Review Provisions), provided that the following requirements are met:

- (a) the #waterfront public access area# shall be provided according to the phasing specified in Map 7 (Waterfront Access Plan: Phase I Waterfront Public Access Area Improvements) and Map 8 (Waterfront Access Plan: Phase II Waterfront Public Access Area Improvements). The requirements of Phase I shall apply when #development# occurs on the upland portion of the parcel bounded by #publicly accessible private streets# and other #streets# as shown on Map 6 (Waterfront Access Plan: Public Access Areas). The requirements of Phase II shall apply when #development# occurs on the seaward portion of the parcel bounded by both the #shoreline# and #publicly accessible private streets#; and
- (b) any #upland connection# provided pursuant to Phase I shall meet the design requirements of paragraph (b) of Section [127-532](#) (Upland connections). For portions of the #shore public walkway# that are provided in Phase I, the requirements of Sections [62-53](#) (Requirements for Shore Public Walkways) and [62-60](#) (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) may be modified to the minimum extent necessary to accommodate a temporary waterfront viewing area.

Such phasing plan shall also be certified pursuant to Section [127-61](#) (Certification for Interim Grading Conditions).

127-54 - Special Review Provisions

LAST AMENDED 12/10/2020

The applicable provisions of Section [62-80](#) (SPECIAL REVIEW PROVISIONS), inclusive, shall apply, except as specifically modified or supplemented by the provisions of this Section, inclusive.

127-541 - Applicability

LAST AMENDED 12/10/2020

The provisions of Section [62-81](#), inclusive, shall apply to #zoning lots# containing predominantly #uses# in Use Groups 16, 17, or 18, subject to the modified #waterfront public access area# provisions of Section [127-50](#) (FLUSHING WATERFRONT ACCESS PLAN), inclusive.

127-542 - Supplemental provisions

LAST AMENDED 12/10/2020

In conjunction with a certification pursuant to Section [62-811](#) (Waterfront public access and visual corridors), the Chairperson of the City Planning Commission shall further certify that:

- (a) where an #upland connection# is designated on two or more parcels and the portion of such #upland connection# located outside of the applicant's parcel will not be constructed concurrently with the applicant's #development#:

- (1) if no prior certification pursuant to this Section was issued for a portion of an #upland connection# on another parcel, the Chairperson shall certify that:
 - (i) a #conceptual plan# has been submitted for the #publicly accessible private street#. In addition, notification that the applicant is seeking to commence construction of such #publicly accessible private street# shall be given to any other owner whose property contains any remaining portion of the #publicly accessible private street#, along with a copy of such #conceptual plan#;
 - (ii) a site plan has been submitted, specifying the location, dimensions and grading of the portion of the #upland connection# to be constructed on the applicant's #zoning lot#. Such site plan shall demonstrate compliance with the requirements of paragraph (b) of Section [127-532](#) (Upland connections); and
 - (iii) the grading proposed in the #conceptual plan# has been certified pursuant to Section [127-61](#).

Property owners of the parcel containing a remaining portion of the #upland connection# shall have up to 30 days from the applicant's certified mailing of the notification required in paragraph (a)(1)(i) of this Section to respond to the applicant and to confirm for the Chairperson that the construction of the entire #upland connection# is not feasible concurrently with the applicant's #development#. In the event such notified property owners do not respond to the applicant and the Chairperson within the 30-day period, the applicant may proceed with completing this certification. Where a notified property owner responds that it is feasible to complete the portion of the #upland connection# on their parcels concurrently with the applicant's #development#, such property owner shall commence certification pursuant to the applicable provisions of this Section within 45 days from the date of submitting such response. In the event such notified property owners do not commence such certification within the 45-day period, the applicant may proceed with completing this certification.

In addition, where construction of the #upland connection# will not occur concurrently, property owners of parcels containing a remaining portion of the #upland connection# shall have up to 45 days from the date of submitting their response to comment on any anticipated practical difficulties associated with the proposed location, dimensions and grading specified in the #conceptual plan# that would preclude the reasonable #development# of such owner's parcel. Any submission of comments to the applicant and Chairperson shall include documentation from a licensed architect, landscape architect, or engineer, as applicable, that demonstrates the reason for such anticipated practical difficulties.

Copies of the approved #conceptual plan#, as well as the certified #interim site plan# and #final site plan# shall be forwarded to any property owner of a parcel containing the remaining portion of the #upland connection#.

Any portion of the #upland connection# constructed in compliance with a certified #interim site plan# shall be converted to the final design in compliance with the certified #final site plan# for such portion upon receiving notice from an adjoining property owner as set forth in paragraph (a)(2) of this Section that the remaining portion of the #upland connection# has been substantially completed and is accessible to the public.

- (2) If a prior certification pursuant to paragraph (a)(1) of this Section was issued for a portion of the #upland connection# on another parcel, the Chairperson shall certify that:
 - (i) a #final site plan# for the applicant's parcel has been submitted that is consistent with the #conceptual plan# from the prior certification; and
 - (ii) the proposed amenities and design elements within the #final site plan# for the applicant's portion of the #upland connection# shall match or complement those that were previously constructed.

Notice shall be provided to any property owner of a parcel containing a portion of the #upland connection# that

has been constructed pursuant to a certified #interim site plan# upon the applicant substantially completing its portion of the #upland connection# and making such portion accessible to the public. Such notice shall be provided to enable such other owner sufficient time, as shall be specified in the restrictive declaration required pursuant to this paragraph (a), to convert any constructed interim condition and complete the #upland connection# in compliance with the previously approved #final site plan#.

A restrictive declaration shall be executed and recorded against the corresponding #zoning lot# of the applicant's parcel, in accordance with the provisions of Section [62-74](#) (Requirements for Recordation). Required site plans, the #conceptual plan# and a maintenance and capital repair plan for the #upland connection# shall be included as exhibits to the restrictive declaration.

No temporary or final certificate of occupancy shall be issued until the Chairperson of the City Planning Commission notifies the Department of Buildings that the proposed #upland connection#, or portion thereof, has been substantially completed in compliance with the certified #interim site plan# or #final site plan#, and is open to the public. In addition, where a property owner sought certification pursuant to paragraph (a)(2) of this Section, no temporary or final certificate of occupancy shall be issued until interim portions of the #upland connection# are completed in compliance with the previously approved the #final site plan# for such portions.

- (b) For phased implementation of #waterfront public access areas# pursuant to Section [127-533](#) (Phased development of waterfront public access areas), a plan has been submitted that complies with the required amount of #waterfront public access area# at each development phase pursuant to Section [127-533](#).

To ensure the provision of #waterfront public access areas# for phased #developments# occurring in Phase I, as specified on Map 7 (Waterfront Access Plan: Phase I Waterfront Public Access Improvements) in the Appendix to this Chapter, no temporary certificate of occupancy shall be issued for any #development# on the upland portion of each parcel that is bounded by #publicly accessible private streets# or #streets# until all required sections of #waterfront public access areas# designated on Map 7 have been substantially completed pursuant to the design requirements of Section [127-533](#).

For Phase II subsequent #development# occurring on the seaward portion of Parcels 4, 5 or 7, bounded by both the #shoreline# and #publicly accessible private streets#, all remaining #waterfront public access areas#, as specified on Map 8 (Waterfront Access Plan: Phase II Waterfront Public Access Improvements), shall be substantially completed pursuant to the design requirements of Section [127-533](#), prior to the issuance of a temporary or final certificate of occupancy. However, 50 percent of the #floor area# of any subsequent #development# on Parcels 4 and 5 may receive a temporary certificate of occupancy upon the completion of the required #shore public walkway# as designated on such parcel. A temporary or final certificate of occupancy for the remaining 50 percent of the #floor area# on Parcels 4 and 5 shall not be issued until all required #waterfront public access areas# pursuant to Map 8 are substantially complete.

An alternate location for the required section of an #upland connection# on Parcel 4 may be provided in Phase I, as specified in Map 7, in the event that Parcel 5 has substantially completed all of the required #waterfront public access areas# prior to partial #development# on the upland portion of Parcel 4. Where such alternate location is provided in Phase I, any subsequent #development# on Parcel 4 may only receive a temporary or final certificate of occupancy upon substantial completion of all required #waterfront public access areas# designated on Map 8.

A certification will be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section [62-74](#) (Requirements for Recordation).

127-60 - ADDITIONAL REVIEW REQUIREMENTS

127-61 - Certification for Interim Grading Conditions

LAST AMENDED 12/10/2020

For any #development# or #enlargement# seeking:

- (a) modification to the level of #waterfront yard# provisions of Section [127-22](#) (Special Yard Regulations);

- (b) a certification pursuant to paragraph (b)(1) of Section [127-422](#) (Certification for a publicly accessible private street); or

- (c) a certification pursuant to Section [127-542](#) (Supplemental provisions),

the Chairperson of the City Planning Commission shall certify that a site survey has been conducted and sufficient documentation has been submitted, demonstrating that the proposed grades of a #waterfront yard#, interim plan for a #publicly accessible private street# or #upland connection# would not preclude #developments# or #enlargements# on adjacent parcels from complying with the provisions of this Chapter as part of an integrated public realm.

APPENDIX - SPECIAL FLUSHING WATERFRONT DISTRICT PLAN

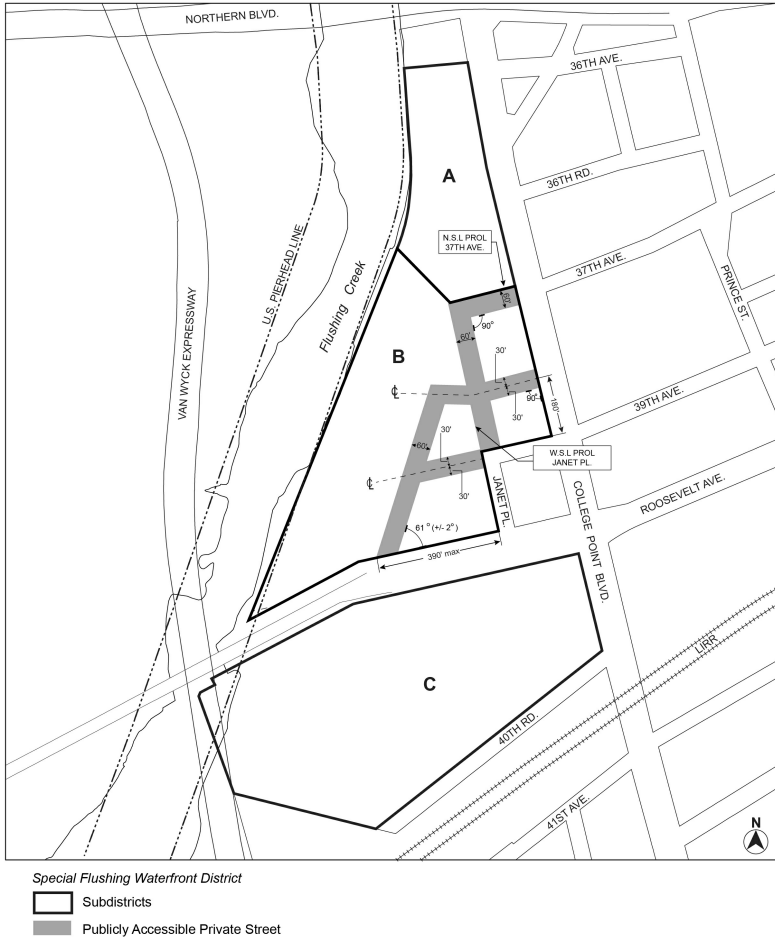
LAST AMENDED 12/10/2020

Map 1. Special Flushing Waterfront District and Subdistricts



Special Flushing Waterfront District
 □ Subdistricts

Map 2. Publicly Accessible Private Street Network



Map 3. Requirements Along Street Frontages



Special Flushing Waterfront District

Subdistrict Boundary

Primary Street Frontages

Type 1 Primary

Type 2 Primary

Publicly Accessible Private Street Boundary

Secondary Street Frontages

All other street frontages not designated as primary street frontages are secondary street frontages.

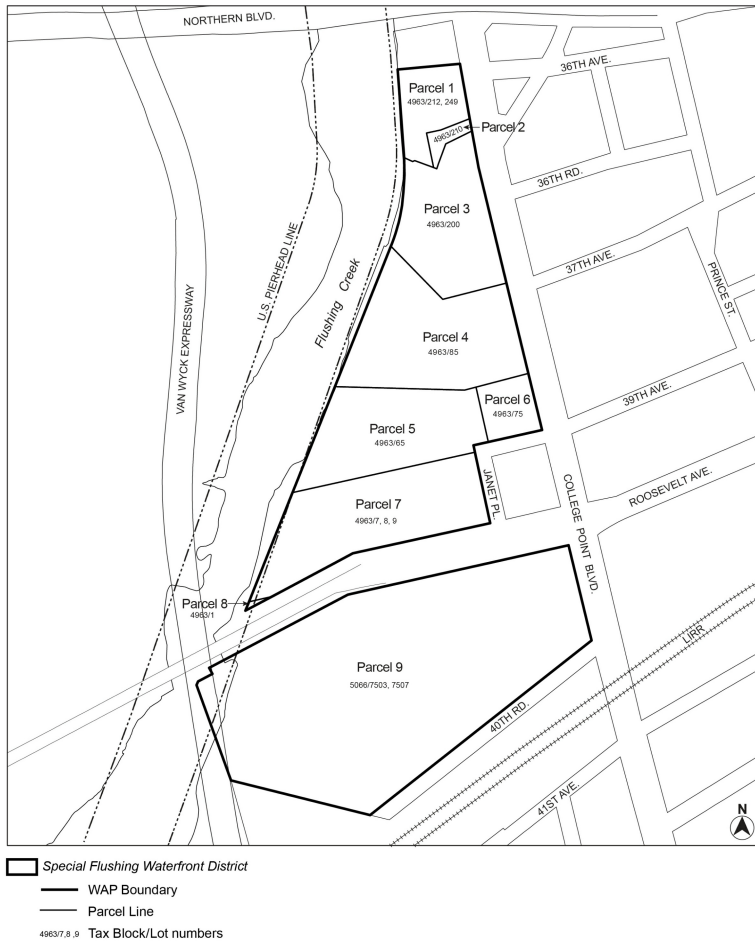
Sidewalk Widening

5 Feet

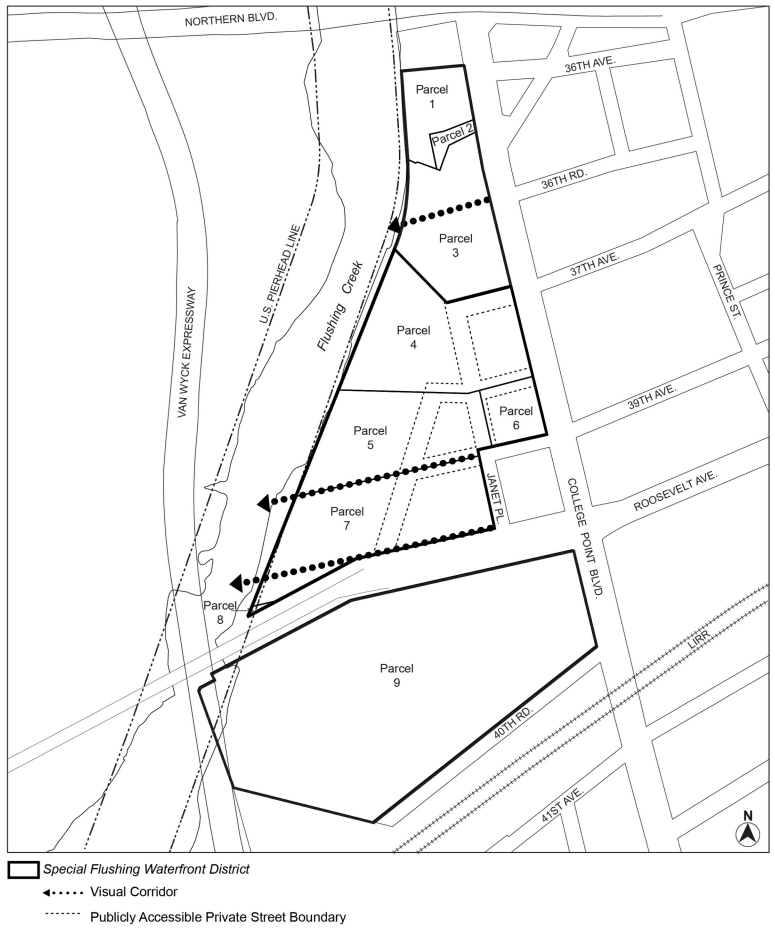
@ 30-foot line parallel to the center line of 39TH Avenue

10 Feet

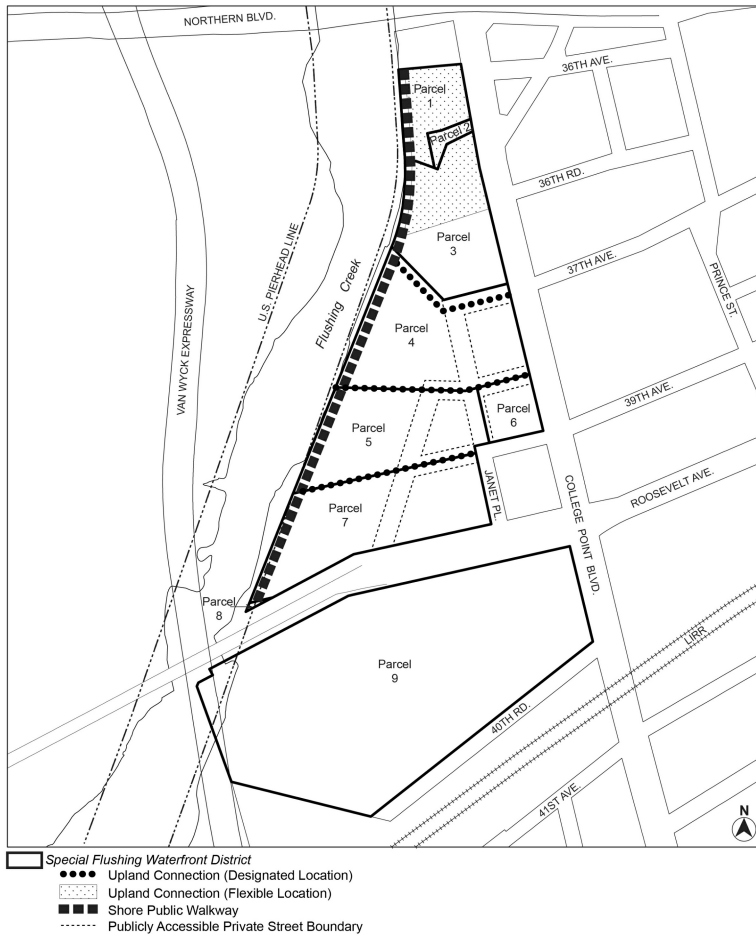
Map 4. Waterfront Access Plan: Parcel Designation



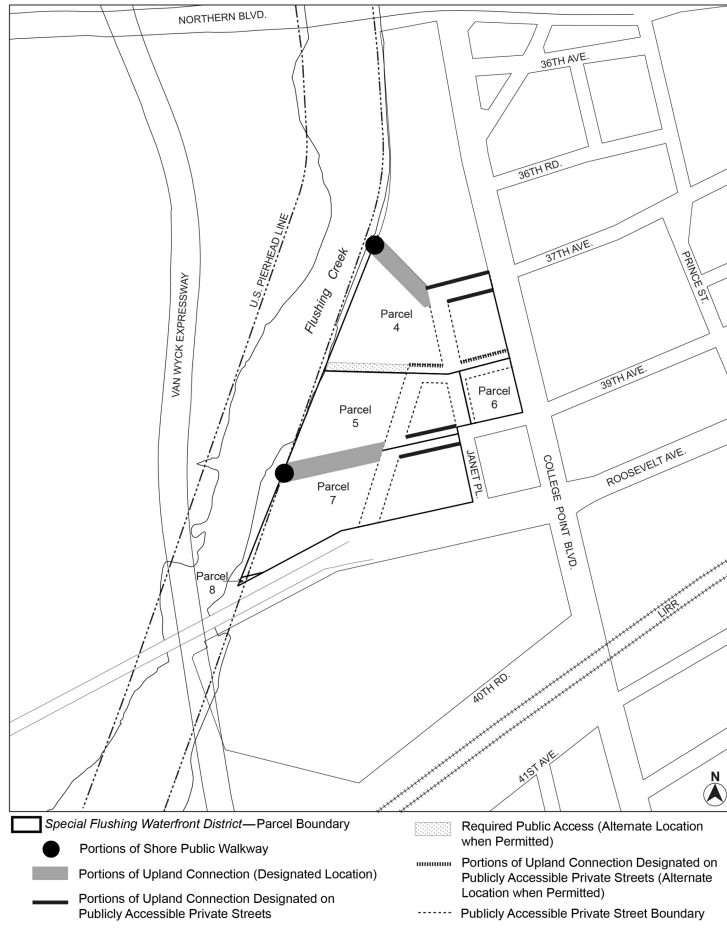
Map 5. Waterfront Access Plan: Visual Corridors



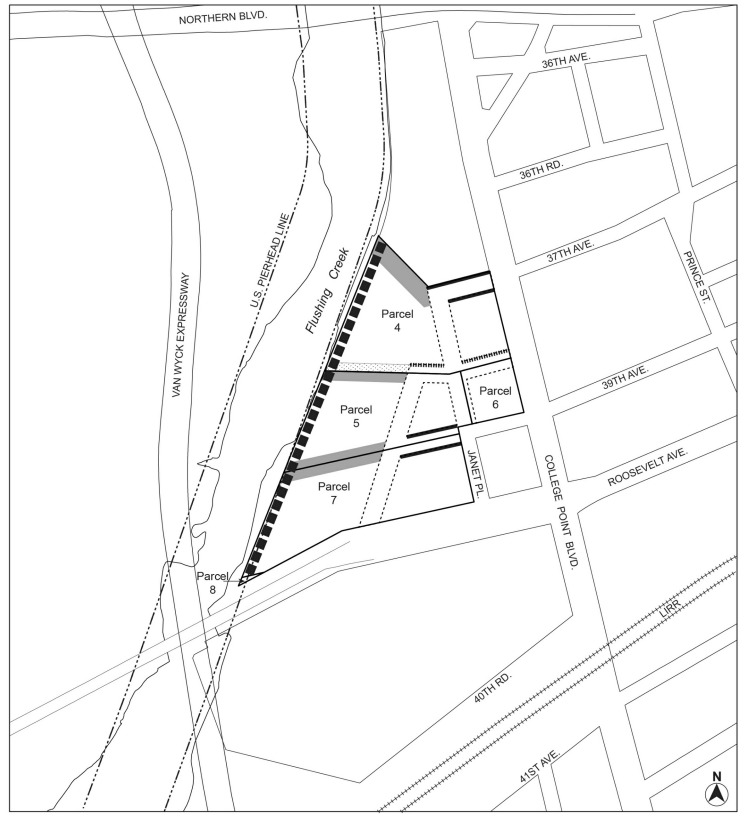
Map 6. Waterfront Access Plan: Public Access Areas










Map 7. Waterfront Access Plan: Phase I Waterfront Public Access Improvements



Map 8. Waterfront Access Plan: Phase II Waterfront Public Access Improvements



- | | |
|---|---|
|  Special Flushing Waterfront District—Parcel Boundary |  Required Public Access (Alternate Location when Permitted) |
|  Shore Public Walkway |  Portions of Upland Connection Designated on Publicly Accessible Private Streets (Alternate Location when Permitted) |
|  Required Public Access (Designated Location) |  Publicly Accessible Private Street Boundary |
|  Portions of Upland Connection Designated on Publicly Accessible Private Streets | |



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 8 - Special St. George District (SG)

File generated by <https://zr.planning.nyc.gov> on 3/22/2024

Chapter 8 - Special St. George District (SG)

128-00 - GENERAL PURPOSES

LAST AMENDED

10/23/2008

The "Special St. George District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include among others, the following specific purposes:

- (a) to build upon St. George's existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian-friendly business and residence district;
- (b) to establish zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract and sustain a broader mix of uses;
- (c) to require a tall, slender building form that capitalizes on St. George's hillside topography and maintains waterfront vistas;
- (d) to encourage the reuse and reinvestment of vacant office buildings;
- (e) to accommodate an appropriate level of off-street parking while reducing its visual impact;
- (f) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes; and
- (g) to promote the most desirable use of land and building development in accordance with the District Plan for St. George and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

128-01 - Definitions

LAST AMENDED

10/23/2008

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section [12-10](#) (DEFINITIONS). Where matter in italics is defined both in Section [12-10](#) and in this Chapter, the definitions in this Chapter shall govern.

Commercial street

A "commercial street" shall be a #street#, or portion thereof, where special regulations pertaining to ground floor #uses# on #commercial streets#, pursuant to Section [128-11](#), apply to #zoning lots# fronting upon such #streets#. #Commercial streets# are designated on Map 2 in the Appendix to this Chapter.

128-02 - General Provisions

LAST AMENDED

10/7/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George

District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

However, the regulations of this Chapter shall not apply to any property that is the subject of a site selection for a court house and #public parking garage# pursuant to application C080379 PSR. Such property shall be governed by the underlying regulations of this Resolution.

Furthermore, any property that is the subject of a site selection and acquisition for the use of a lot for open parking pursuant to application C080378 PCR may be governed by the regulations of this Chapter or the underlying regulations of this Resolution for a period of two years after October 23, 2008. After October 23, 2010, such property shall be subject to the regulations of this Chapter.

In the North Waterfront Subdistrict, “publicly accessible waterfront open space” shall include on-site and off-site areas, as applicable, as set forth in the approved Proposed Plans, pursuant to Section [128-61](#) (Special Permit for North Waterfront Sites).

128-03 - District Plan and Maps

LAST AMENDED
10/30/2013

The regulations of this Chapter are designed to implement the #Special St. George District# Plan.

The District Plan includes the following five maps:

- Map 1. Special St. George District and Subdistricts
- Map 2. Commercial Streets
- Map 3. Minimum and Maximum Base Heights
- Map 4. Tower Restriction Areas
- Map 5. Visual Corridors and Parcels

The maps are located in the Appendix to this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

128-04 - Subdistricts

LAST AMENDED
10/30/2013

In order to carry out the purposes and provisions of this Chapter, the #Special St. George District# shall include three subdistricts: the Upland Subdistrict, the North Waterfront District and the South Waterfront Subdistrict, as shown on Map 1 (Special St. George District and Subdistricts) in the Appendix to this Chapter.

128-05 - Applicability of District Regulations

LAST AMENDED
10/23/2008

128-051 - Applicability of Article I, Chapter 2

LAST AMENDED
3/28/2012

The definition of “lower density growth management area” in Section [12-10](#) (DEFINITIONS) shall be modified to exclude all districts within the #Special St. George District#.

128-052 - Applicability of Article I, Chapter 5

LAST AMENDED
3/28/2012

The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), shall apply in the #Special St. George District#, as modified in this Section. The change of non-#residential# #floor area# to #residences# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections [15-11](#) (Bulk Regulations), [15-12](#) (Open Space Equivalent) and [15-30](#) (MINOR MODIFICATIONS), paragraph (b). #Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section [32-42](#) (Location Within Buildings).

128-053 - Applicability of Article III, Chapter 6

LAST AMENDED
3/28/2012

The provisions of Section [36-76](#) (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special St. George District#.

128-054 - Applicability of Article VI, Chapter 2

LAST AMENDED
10/30/2013

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply in the North Waterfront Subdistrict of the #Special St. George District#, as modified in this Chapter. In such Subdistrict, such provisions shall not apply to improvements to the publicly accessible waterfront open space, or to #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section [128-61](#) (Special Permit for North Waterfront Sites). However, the regulations of Section [62-31](#) (Bulk Computations on Waterfront Zoning Lots) shall apply to such #developments#, #enlargements#, alterations and changes of #use#, as modified pursuant to such special permit. In addition, the special requirements for #visual corridors# set forth in Section [128-43](#) (Visual Corridors in the North Waterfront Subdistrict) shall apply.

128-055 - Applicability of Article VII, Chapter 4

LAST AMENDED
10/30/2013

Within the North Waterfront Subdistrict of the #Special St. George District#, the following special permits shall not apply:

Section [74-512](#) (In other Districts)

Section [74-68](#) (Development Within or Over a Right-of-way or Yards)

Section [74-922](#) (Certain large retail establishments).

In addition, the provisions of the following special permits, as applicable, shall be deemed to be modified when an application pursuant to Section [128-61](#) (Special Permit for North Waterfront Sites) for Parcel 1 or Parcel 2, as shown on the maps in the Appendix to this Chapter, under application numbers C130317ZSR or C130318ZSR, as applicable, has been approved:

C000012ZSR

C000013ZSR

C000014ZSR

C000016(A)ZSR

128-056 - Applicability of the Quality Housing Program

LAST AMENDED 11/10/2021

In C4-2 Districts, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to Section [23-011](#) (Quality Housing Program) shall not apply. In lieu thereof, the #bulk# regulations of this Chapter shall apply. However, where any of the Quality Housing Program elements set forth in Article II, Chapter 8 (The Quality Housing Program) are provided, the associated #floor area# exemption shall apply.

In C2-4 Districts mapped within R6 Districts, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to Section [23-011](#) shall apply.

In R7-3 Districts, the Quality Housing Program shall apply. For the purposes of applying such regulations, #buildings# constructed pursuant to the #bulk# regulations of this Chapter shall be considered #Quality Housing buildings#, and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8.

For the purposes of applying the Quality Housing Program elements set forth in Article II, Chapter 8 to C2-4 Districts mapped within R6 Districts and to R7-3 Districts, the elements set forth in Sections [28-23](#) (Planting Areas) and [28-40](#) (Parking for Quality Housing) shall be superseded by the planting and parking location provisions of this Chapter.

128-10 - USE REGULATIONS

LAST AMENDED
10/23/2008

128-11 - Ground Floor Uses on Commercial Streets

LAST AMENDED
10/23/2008

Map 2 (Commercial Streets) in the Appendix to this Chapter specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# on the ground floor of a #building# shall be limited to #commercial# #uses#, except for Type 1 lobbies and entrances to #accessory# parking spaces provided in accordance with Section [37-33](#) (Maximum Width of Certain Uses). Such #commercial# #uses# shall comply with the minimum depth provisions of Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses). In addition, #accessory# parking spaces, including such spaces #accessory# to #residences#, shall be permitted on the ground floor, provided they comply with the provisions of Section [37-35](#) (Parking Wrap and Screening Requirements). The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

128-12 - Transparency Requirements

LAST AMENDED
10/30/2013

Any #street wall# of a #building# #developed# or #enlarged# after October 23, 2008, where the ground floor level of such #development# or #enlarged# portion of the #building# contains #commercial# or #community facility uses#, shall be glazed in accordance with the provisions of Section [37-34](#) (Minimum Transparency Requirements).

For the purposes of this Section, Bank Street shall be considered a #street#. However, this Section shall not apply to a stadium #use# within the North Waterfront Subdistrict.

128-13 - Location of Uses in Mixed Buildings

LAST AMENDED
2/2/2011

The provisions of Section [32-422](#) (Location of floors occupied by commercial uses) are modified to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial uses# are not located directly over any #dwelling units#. However, such #commercial# #use# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

128-20 - FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

LAST AMENDED
10/23/2008

128-21 - Maximum Floor Area Ratio

LAST AMENDED
10/23/2008

In C4-2 Districts within the Upland Subdistrict, the underlying #floor area ratio# and #open space# regulations shall not apply. In lieu thereof, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4, and no #floor area# bonuses shall apply, except that for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a #commercial street#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2, and no #floor area# bonuses shall apply.

In R7-3 Districts, the maximum #floor area ratio# for any #use# within a #Mandatory Inclusionary Housing area# shall be 6.0.

128-22 - Maximum Lot Coverage

LAST AMENDED

10/23/2008

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, the underlying #open space ratio# provisions shall not apply. In lieu thereof, the maximum permitted #lot coverage# for a #residential# #building#, or portion thereof, shall be 70 percent for an #interior# or #through lot# and 100 percent for a #corner lot#.

128-23 - Rear Yard Equivalents

LAST AMENDED

10/23/2008

In C4-2 Districts within the Upland Subdistrict, the #rear yard equivalent# regulations for #residential uses# on #through lots#, or the #through lot# portion of a #zoning lot#, are modified as set forth in this Section. Such #yards# shall be provided within 45 feet of the centerline of the #through lot# or #through lot# portion, and the level of such #yards# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# that face such #yards#. Furthermore, no #rear yard equivalent# regulations shall apply to any #through lot# or #through lot# portion of a #zoning lot# on which a tower is #developed# or #enlarged#, pursuant to Section [128-35](#).

128-30 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED

10/30/2013

The provisions of this Section, inclusive, shall apply to all #buildings or other structures# within the Upland Subdistrict, except in C2-4 Districts mapped within R6 Districts, where the underlying height and setback regulations shall apply.

In C1-2 Districts mapped within R3-2 Districts, all #buildings or other structures# shall comply with the height and setback regulations of R4 Districts, except that the maximum perimeter wall height shall be 26 feet, and the #street wall# location provisions of Section [128-32](#) (Street Wall Location) shall apply.

The underlying height and setback regulations of C4-2 Districts within the Upland Subdistrict shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply. In R7-3 Districts, all #buildings or other structures# shall comply with the height and setback regulations of this Section, inclusive.

In the South and North Waterfront Subdistricts, the underlying height and setback regulations of Section [62-34](#) (Height and Setback Regulations on Waterfront Blocks) shall apply, except that:

- (a) in the South Waterfront Subdistrict, rooftop regulations shall be as modified in Section [128-31](#) (Rooftop Regulations); and
- (b) in the North Waterfront Subdistrict, #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section [128-61](#) (Special Permit for North Waterfront Sites) shall instead be subject to the Proposed Plans, as set forth in Section [128-61](#), as approved pursuant to such special permit.

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street# frontages, such heights shall be determined separately for each #street# frontage, with each

height measured from the final grade of the sidewalk fronting such #street wall#.

128-31 - Rooftop Regulations

†

LAST AMENDED

12/6/2023

The provisions of Section [33-42](#) (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section [23-623](#) (Permitted obstructions in certain districts).

128-32 - Street Wall Location

LAST AMENDED

2/2/2011

The following #street wall# regulations shall apply in C1-2 Districts mapped within R3-2 Districts and in C4-2 Districts within the Upland Subdistrict. In R7-3 Districts, no #street wall# location provisions shall apply.

(a) #Street walls# along #commercial streets#

For #zoning lots# with #commercial street# frontage, the #street wall# shall extend along at least 70 percent of the #commercial street# frontage of the #zoning lot# and be located within eight feet of the #street line# of the #commercial street#, or sidewalk widening line, whichever is applicable.

(b) #Street walls# along non-#commercial streets#

For #zoning lots# without #commercial street# frontage, the #street wall# shall extend along at least 50 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line# or sidewalk widening line, whichever is applicable.

In C4-2 Districts within the Upland Subdistrict, such #street walls# shall rise without setback to the minimum height specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, or the height of the #building#, whichever is less. When a #building# fronts on two intersecting #streets# for which different minimum base heights apply, the higher base height may wrap around to the #street# with the lower base height, for a distance of up to 100 feet.

128-33 - Maximum Base Height

†

LAST AMENDED

12/6/2023

In C4-2 Districts within the Upland Subdistrict, the maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. Where a maximum base height of 65 feet applies as shown on Map 3, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section [128-35](#). When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet.

In R7-3 Districts, the maximum base height shall be 75 feet.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, all portions of #buildings or other structures# above such maximum base heights shall provide a setback at least 10 feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any #street wall# facing a #narrow street#.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, dormers may exceed the maximum base height in accordance with the provisions of paragraph (c) of Section [23-623](#) (Permitted obstructions in certain districts). However, on any #zoning lot# that includes a tower #developed# or #enlarged# pursuant to Section [128-35](#), dormers shall not be permitted.

128-34 - Maximum Building Height

LAST AMENDED

2/2/2011

In C4-2 Districts within the Upland Subdistrict, for #buildings# that are not #developed# or #enlarged# pursuant to the tower provisions of Section [128-35](#) (Towers), the maximum height of a #building or other structure# and the maximum number of #stories#, as applicable, shall be as set forth in Section [23-662](#) (Maximum height of buildings and setback regulations) for a residential equivalent of an R6 District. Separate maximum #building# heights are set forth within such Section for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#. However, on Bay Street where there is a maximum base height of 85 feet, the maximum height of a #building or other structure# also shall be 85 feet.

In C4-2 Districts within the Upland Subdistrict for #buildings# that are #developed# or #enlarged# pursuant to the tower provisions of Section [128-35](#), the maximum height of the tower portion of a #building# shall be 200 feet, and the height of all other portions of the #building# shall not exceed the applicable maximum base height. Where a maximum base height of 65 feet applies as shown on Map 3 in the Appendix to this Chapter, such maximum base height shall be reduced to 40 feet for #zoning lots# #developed# or #enlarged# pursuant to the tower provisions of Section [128-35](#).

In R7-3 Districts, the maximum height of a #building or other structure# shall be 185 feet or 18 #stories#, whichever is lower. The tower provisions of Section [128-35](#) shall not apply.

128-35 - Towers

LAST AMENDED

2/2/2011

The tower provisions of this Section shall apply, as an option, to any #zoning lot# with a #lot area# of at least 10,000 square feet. Any portion of a #building# #developed# or #enlarged# on such #zoning lots# that exceeds the applicable maximum base height shall be constructed as either a point tower or a broad tower, as follows:

- (a) Point tower
 - (1) Tower #lot coverage# and maximum length

Each #story# located entirely above a height of 75 feet shall not exceed a gross area of 6,800 square feet. The outermost walls of each #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 85 feet.

(2) Tower top articulation

The highest three #stories#, or as many #stories# as are located entirely above a height of 75 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (a)(2), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Broad tower

Each #story# located entirely above a height of 75 feet shall not exceed a gross area of 8,800 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet. The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the east facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 75 feet, whichever is less. For towers with at least six #stories# located entirely above a height of 75 feet, the lowest level at which such setbacks may be provided is 100 feet, and the highest #story# shall be located entirely within the western half of the tower.

(c) Orientation of all towers

The maximum length of the outermost walls of any side of each #story# of a #building# facing the #shoreline# that is entirely above a height of 75 feet shall not exceed 80 feet. For the purposes of this Section, the #street line# of St. Marks Place shall be considered to be a line parallel to the #shoreline#, and any side of such rectangle facing St. Marks Place from which lines perpendicular to the #street line# of St. Marks Place may be drawn, regardless of intervening structures, properties or #streets#, shall not exceed 80 feet.

(d) Location of all towers

Any portion of a #building# that exceeds a height of 70 feet shall be no closer to a #side lot line# than eight feet, and any #story# of a #building# that is entirely above a height of 70 feet shall be located within 25 feet of a #street line# or sidewalk widening line, where applicable.

(e) Maximum tower height

The maximum height of any #building# utilizing the tower provisions of this Section shall be 200 feet. The height of the tower portion of the #building# shall be measured from the #base plane#.

(f) Tower and base integration

All portions of a #building# that exceed the applicable maximum base height set forth in Section [128-33](#) shall be set back

at least 10 feet from the #street wall# of a #building# facing a #wide street# and at least 15 feet from the #street wall# of a #building# facing a #narrow street#. However, up to 50 percent of the #street wall# of the portion of the #building# located above a height of 75 feet need not be set back from the #street wall# of the #building#, and may rise without setback from grade, provided such portion of the #building# is set back at least 10 feet from a #wide# #street line# or sidewalk widening line, where applicable, and at least 15 feet from a #narrow# #street line# or sidewalk widening line, where applicable.

(g) Tower exclusion areas

No #building or other structure# may exceed a height of 75 feet within the areas designated on Map 4 (Tower Restriction Areas) in the Appendix to this Chapter.

128-40 - MANDATORY IMPROVEMENTS

LAST AMENDED
10/23/2008

128-41 - Sidewalks

LAST AMENDED
10/23/2008

Sidewalks with a depth of at least 12 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire #street# frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 12 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 12 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

128-42 - Planting Areas

LAST AMENDED
2/2/2011

The entire area of the #zoning lot# between the #street line# or sidewalk widening line, where applicable, and all #street walls# of the #building# and their prolongations, shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to, and exits from, the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial# #uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

128-43 - Visual Corridors in the North Waterfront Subdistrict

LAST AMENDED
10/30/2013

The designated locations for #visual corridors#, as defined in Article VI, Chapter 2, are shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be provided in accordance with the standards of Sections [62-512](#) (Dimensions of visual corridors) and [62-513](#) (Permitted obstructions in visual corridors), except that:

- (a) lighting fixtures in #visual corridors# shall be considered permitted obstructions; and
- (b) within the #visual corridor# provided through Parcel 2 to the Pierhead line within the flexible location zone indicated on Map 5, a portion of a #building# shall be a permitted obstruction, provided that such obstruction is located no more than 14 feet above the reference plane of the #visual corridor#, and that such obstruction occupies no more than 185,000 cubic feet in total above the reference plane of the #visual corridor#.

128-50 - PARKING REGULATIONS

LAST AMENDED

10/23/2008

In the #Special St. George District#, the underlying regulations governing permitted and required #accessory# off-street parking spaces are modified as set forth in this Section.

128-51 - Required Off-street Parking and Loading

LAST AMENDED

2/2/2011

In the #Special St. George District#, the following parking and loading regulations shall apply:

- (a) In C4-2 Districts, the following special regulations shall apply:

- (1) #Residential uses#

One off-street parking space shall be provided for each #dwelling unit# created after October 23, 2008, including any #dwelling units# within #buildings# #converted# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings), except that the provisions of Section [25-25](#) (Modification of Requirements for Income-restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-assisted Dwelling Units) shall apply to #income-restricted housing units#. However, where the total number of required spaces is five or fewer or, for #conversions#, where the total number of required spaces is 20 or fewer, no parking shall be required, except that such waiver provision shall not apply to any #zoning lot# subdivided after October 28, 2008. The provisions of Section [73-46](#) (Waiver of Requirements for Conversions) shall apply to #conversions# where more than 20 parking spaces are required.

- (2) #Commercial# #uses#

For #commercial# #uses#, the off-street parking and loading requirements of a C4-3 District shall apply, except that food stores with 2,000 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area# and, for places of assembly and hotels, the off-street parking and loading requirements of a C4-2 District shall apply.

- (3) #Community facility use#

For ambulatory diagnostic or treatment health care facilities listed in Use Group 4, the off-street parking requirements of a C4-3 District shall apply.

- (b) In R7-3 Districts, the parking and loading regulations of an R7-2 District shall apply, except as modified by Sections [128-52](#) (Special Floor Area Regulations) through [128-56](#) (Curb Cuts on Commercial Streets).

- (c) In C2-4 Districts mapped within R6 Districts, the underlying regulations shall apply, except as modified by Sections [128-52](#) through [128-56](#).

128-52 - Special Floor Area Regulations

LAST AMENDED

10/23/2008

The #floor area# of a #building# shall not include floor space used for off-street parking spaces provided in any #story# that complies with the provisions of Section [128-54](#) (Location of Accessory Off-street Parking Spaces).

128-53 - Use of Parking Facilities

LAST AMENDED

10/23/2008

All #accessory# off-street parking spaces may be provided within parking facilities, including #public parking garages#, on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

- (a) such parking facilities are located within the #Special St. George District# ;
- (b) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot# ; and
- (c) the number of #accessory# parking spaces within such facility shall not exceed the combined number of spaces permitted on each #zoning lot# using such facility, less the number of spaces provided on each #zoning lot# using such facility.

128-54 - Location of Accessory Off-street Parking Spaces

LAST AMENDED

2/2/2011

No open parking areas shall be located between the #street wall# of a #building# and the #street line#, and no open parking area shall front upon a #commercial street#. All open parking areas, regardless of the number of parking spaces, shall comply with the perimeter screening requirements of Section 37-921.

All off-street parking spaces within structures shall be located within facilities that, except for entrances and exits, are:

- (a) entirely below the level of each #street# upon which such facility fronts; or
- (b) located, at every level above-grade, behind #floor area# or screening in accordance with the provisions of Section [37-35](#) (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, #commercial streets# designated on Map 2 in Appendix A of this Chapter shall be considered designated retail #streets#; and
- (c) no parking shall be permitted on the roof of such facilities.

128-55 - Special Requirements for Roofs of Parking Facilities

LAST AMENDED

2/2/2011

The roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400

square feet, shall be landscaped. No parking spaces shall be provided on the roof of such facility. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. No less than 75 percent of such roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located; and no more than 25 percent may be accessible solely from an adjacent #dwelling unit#. Hard surfaced areas shall not cover more than 60 percent of such roof area.

128-56 - Curb Cuts on Commercial Streets

LAST AMENDED

10/23/2008

No curb cuts shall be permitted on #commercial streets# as shown on Map 2 in the Appendix to this Chapter. However, if access to a required #accessory# parking facility or loading berth is not possible because of such restriction, a curb cut may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such location is the only possible location for the facility or loading berth, is not hazardous to traffic safety, is at least 50 feet from the intersection of two #street lines#, and is constructed so as to have minimal effect on the streetscape.

128-60 - SPECIAL APPROVALS

LAST AMENDED

10/30/2013

The special permit for North Waterfront sites set forth in Section [128-61](#) is established in order to guide and encourage appropriate #use# and #development# in a unique location within the #Special St. George District# that serves as a gateway between Staten Island and Manhattan for both visitors and daily commuters. Redevelopment of the North Waterfront sites pursuant to this special permit provides an appropriate means to address the special characteristics of these sites, while accommodating their continuing transportation function, as part of their transformation into a regional destination that will contribute to the revitalization of the #Special St. George District# and surrounding area.

The special permit for #buildings# in R7-3 Districts set forth in Section [128-62](#) is established to allow modification of #bulk# regulations and mandatory improvements, except #floor area ratio# provisions, in order to encourage better site planning, and streetscapes that are consistent with the goals of the Special District.

128-61 - Special Permit for North Waterfront Sites

†

LAST AMENDED

12/6/2023

In the North Waterfront Subdistrict, for Parcels 1 and 2, and for improvements to the publicly accessible waterfront open space, provided in connection with the #development# of such parcels, as applicable, the City Planning Commission may approve, by special permit, a development plan for each such parcel and an improvement plan for the publicly accessible waterfront open space. For any application for such special permit, the applicant shall provide plans to the Commission, including but not limited to a site plan, interim parking plan, signage plan, lighting plan and an improvement plan for the publicly accessible waterfront open space (the “Proposed Plans”). Such Proposed Plans shall be subject to the conditions set forth in paragraphs (a) through (e) and the findings set forth in paragraph (f) of this Section.

Pursuant to such Proposed Plans, the Commission may:

- (a) permit the following #uses#:
 - (1) #commercial# #uses# as set forth in Section [42-12](#) (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 8, 9B, 10A, 10B, 11, 12A, 12C, 12D, 13, 14 and 16) with no limitation on #floor area# per establishment;
 - (2) #uses# specified in Section [32-24](#) (Use Group 15);
 - (3) #public parking garages# with more than 150 spaces;
 - (4) temporary #public parking lots# or #public parking garages# with more than 150 spaces, supplied in connection with an interim parking plan, provided that:
 - (i) the applicable findings of Section [74-51](#) (Public Parking Garages or Public Parking Lots Outside High Density Central Areas) are met by each such temporary public parking facility;
 - (ii) such temporary #public parking lots# or #public parking garages# with more than 150 spaces, may be located off-site or beyond the boundaries of the #Special St. George District# only as set forth in the interim parking plan. Any change in the location of such temporary #public parking# facility with more than 150 spaces, or any increase in the number of spaces in a temporary #public parking# facility to more than 150 spaces, or any addition of a #public parking# facility with more than 150 spaces provided in connection with such interim parking plan, shall be subject to further approval by the City Planning Commission and referred to the applicable Community Board(s) for review; and
 - (iii) the permit to operate such #public parking lots# or #public parking garages# shall expire 30 days after the Department of Buildings issues a certificate of occupancy for all permanent public parking facilities on Parcel 2;
- (b) where such #development# is located partially or entirely within a railroad or transit right-of-way or yard or in #railroad or transit air space#:
 - (1) permit that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the calculations of #lot area# for such #development# ; and
 - (2) establish, in lieu of #base plane#, an appropriate level or levels as the reference plane for the entire #zoning lot# for the applicable regulations pertaining to, but not limited to, height and setback, #floor area# and #yards#;
- (c) permit #signs# pursuant to a signage plan, subject to the following conditions:
 - (1) the #sign# regulations of a C4 District, as set forth in Section [32-60](#), shall apply, except as specifically modified by the conditions set forth in paragraphs (c)(2) through (c)(7), inclusive, of this Section;
 - (2) #flashing signs# shall not be permitted;
 - (3) the height of #signs# shall be measured from the #base plane#;
 - (4) flags, banners or pennants, other than those that are #advertising signs#, shall be permitted without limitation;
 - (5) on Parcel 1:
 - (i) the total #surface area# of a #sign# affixed to a #building# frontage facing the #shoreline# or affixed to the base of a structure facing the #shoreline# shall not exceed 1,120 square feet, provided that for a #sign# with a #surface area# larger than 500 square feet, all writing, pictorial representations, emblems, flags,

symbols or any other figure or character comprising the design of such #sign#, shall be separate elements, individually cut and separately affixed to the structure. No perimeter or background surfaces shall be applied or affixed to the structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for the structure; and

- (ii) #signs# shall be permitted to be located on the deck of the railroad right-of-way, provided that the #surface area# of such #signs# shall be included in the calculations of total #surface area# of #signs#;

(6) on Parcel 2:

- (i) open pedestrian pathways of at least 20 feet in width shall be considered #streets# for the purposes of #sign# regulations;
- (ii) #signs# shall not extend to a height greater than 60 feet above the #base plane#; and
- (iii) the total #surface area# of #signs# on the #building# frontage facing Richmond Terrace, the prolongation of Wall Street, or on the #building# frontage or other structure facing the access route into the Ferry Terminal for buses, may exceed the limitations for total #surface area# for #signs# permitted in a C4 District, pursuant to an approved signage plan; and

(7) the total #surface area# of all #signs# on Parcel 2 facing the #shoreline#, or that are within 15 degrees of being parallel to the #shoreline#, shall not exceed:

- (i) 500 square feet for #signs# located above the level of the first #story# ceiling of #buildings#; or
- (ii) 250 square feet for #signs# located below the level of the first #story# ceiling of #buildings#;

(d) through approval of the Proposed Plans, establish appropriate requirements in lieu of the following #Special St. George District# regulations:

Section [128-12](#) (Transparency Requirements);

Section [128-42](#) (Planting Areas);

Section [128-54](#) (Location of Accessory Off-street Parking Spaces) to the extent necessary to accommodate demand for parking within the North Waterfront Subdistrict;

Section [128-55](#) (Special Requirements for Roofs of Parking Facilities); and

(e) through approval of the Proposed Plans:

- (1) establish appropriate requirements for the height and setback of #buildings or other structures#, permitted obstructions in #yards#, off-street parking and loading; and
- (2) permit #floor area# to be distributed within the North Waterfront Subdistrict without regard for #zoning# #lot lines#, provided that if distribution is made to a #zoning lot#, subject to a special permit granted under this Section, from a #zoning lot# not subject to such special permit, Notices of Restriction in a form acceptable to the Department of City Planning shall be filed against such #zoning lots# setting forth the increase and decrease in the #floor area# on such #zoning lots#, respectively.

(f) The Commission shall find that the Proposed Plans:

- (1) include #uses# that are appropriate, considering the unique location of the site in relation to the Staten Island Ferry Terminal, the Staten Island Rail Road, and the land #uses# in and around the #Special St. George

District#;

- (2) provide a distribution of #floor area#, locations and heights of #buildings or other structures#, primary business entrances and open areas, that will result in a superior site plan, providing a well-designed relationship between #buildings and other structures# and open areas on the #zoning lot#; and shall also provide a well-designed relationship between the site and adjacent #streets#, surrounding #buildings#, adjacent off-site open areas and #shorelines# and will thus benefit the users of the site, the neighborhood and the City as a whole;
- (3) provide a distribution of #floor area# and locations and heights of #buildings or other structures# that will not unduly increase the #bulk# of #buildings or other structures# in the North Waterfront Subdistrict or unduly obstruct access of light and air to the detriment of the users of the site or nearby #blocks# or of people using the public #streets#, and that will provide waterfront vistas from nearby #streets# and properties on nearby #blocks#;
- (4) provide useful and attractive publicly accessible open space, with sufficient public amenities, including but not limited to seating, landscaping and lighting, that results in a superior relationship with surrounding neighborhood destinations, #streets#, #buildings#, open areas, public facilities and the waterfront;
- (5) improve public access to the waterfront;
- (6) improve, as applicable, the publicly accessible waterfront open space sufficiently to ensure that emergency vehicles will have adequate access to the waterfront and adjacent #developments#;
- (7) in connection with the improvement of the applicable portions of the publicly accessible waterfront open space, restore planted areas, trees and lighting in a way that is attractive and compatible with the design of the Waterfront Esplanade existing on October 30, 2013;
- (8) provide adequate parking and loading to meet the demand for all users during peak utilization;
- (9) provide adequate parking for commuters at locations convenient and accessible to the Staten Island Ferry Terminal at all times and during all phases of construction;
- (10) provide signage and lighting that are compatible with the scenic and historic character of the harbor and that will not adversely affect the character of the surrounding neighborhood;
- (11) for a #public parking garage# with more than 150 parking spaces, will ensure that:
 - (i) entrances are proposed in locations and with design features that minimize traffic congestion and conflicts with pedestrians;
 - (ii) adequate reservoir space has been provided at the vehicular entrances; and
 - (iii) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and
- (12) for a #development# located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, that:
 - (i) the distribution of #floor area# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development#, including any portion of the #development# located beyond the boundaries of such railroad or transit right-of-way or yard; and
 - (ii) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to,

the right-of-way for such transportation #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, for a #development# located partially or entirely within a railroad or transit right-of-way or yard, or in #railroad or transit air space#, the Commission may require that the structural design of such #development# makes due allowance for changes within the layout of tracks or other structures within any #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority to indicate whether said agency has any plan to use that portion of any #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been discontinued.

The execution and recordation of a restrictive declaration acceptable to the Commission, binding the owners, successors and assigns to maintain such #developments#, #enlargements#, alterations, changes of #use#, and any temporary parking facilities, in accordance with the approved Proposed Plans, and in a manner consistent with any additional conditions and safeguards prescribed by the Commission, shall be a condition to exercise of the special permit. Such restrictive declaration shall be recorded in the Office of the County Clerk. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a #development#, #enlargement# or change of #use#.

128-62 - Special Permit for Buildings in R7-3 Districts

LAST AMENDED 11/10/2021

For any #zoning lot# in an R7-3 District, the City Planning Commission may permit modification of #bulk# regulations, except #floor area ratio# provisions, and modification of mandatory improvements, provided the Commission shall find that such modifications:

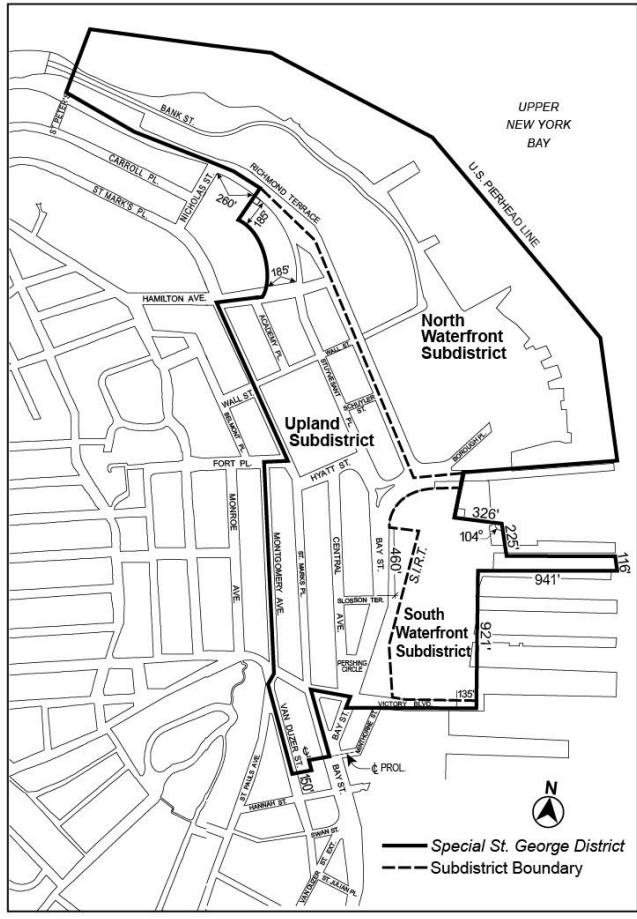
- (a) will aid in achieving the general purposes and intent of the Special District;
- (b) will enhance the distribution of #bulk# on the #zoning lot#;
- (c) will not unduly obstruct access to light and air from surrounding #streets# and properties; and
- (d) will result in a better site plan and urban design relationship with adjacent #streets#, open areas, and the surrounding neighborhood.

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

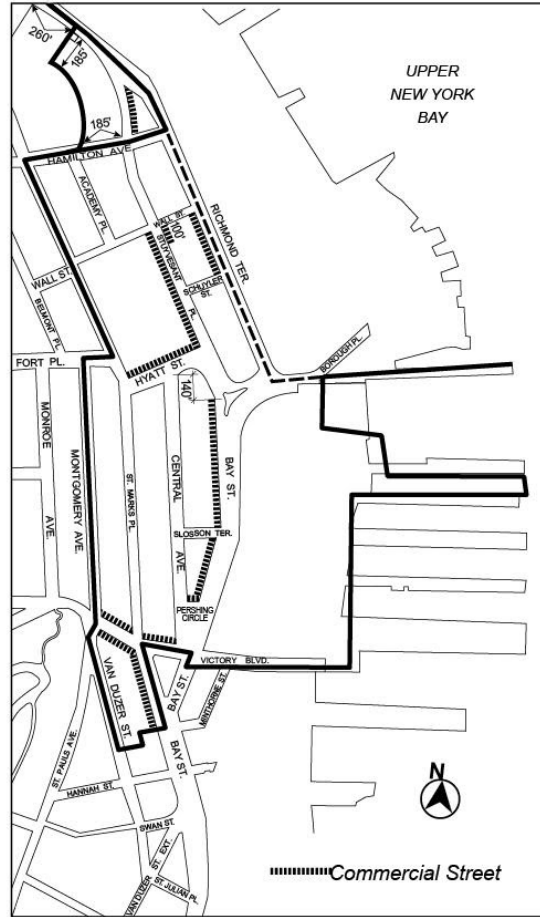
Appendix - Special St. George District Plan

LAST AMENDED 11/10/2021

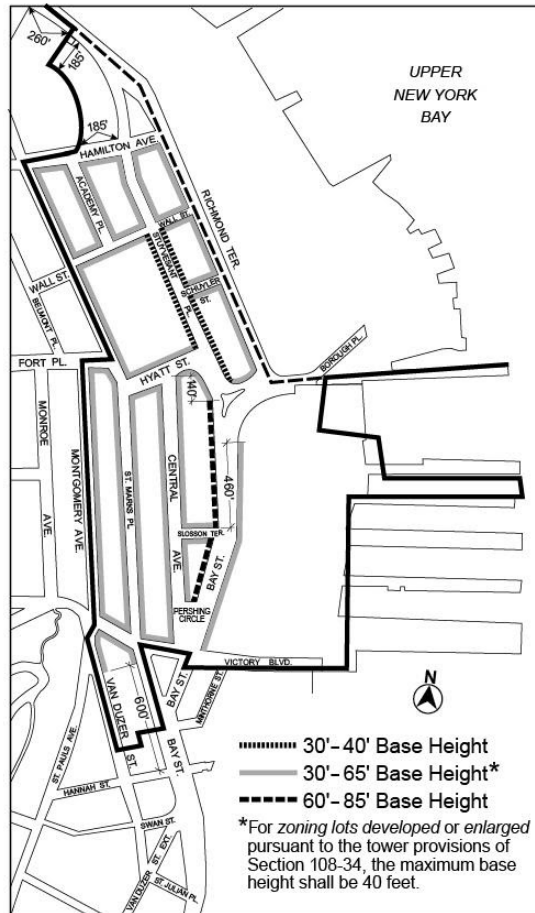
Map 1 - Special St. George District and Subdistricts (11/10/21)



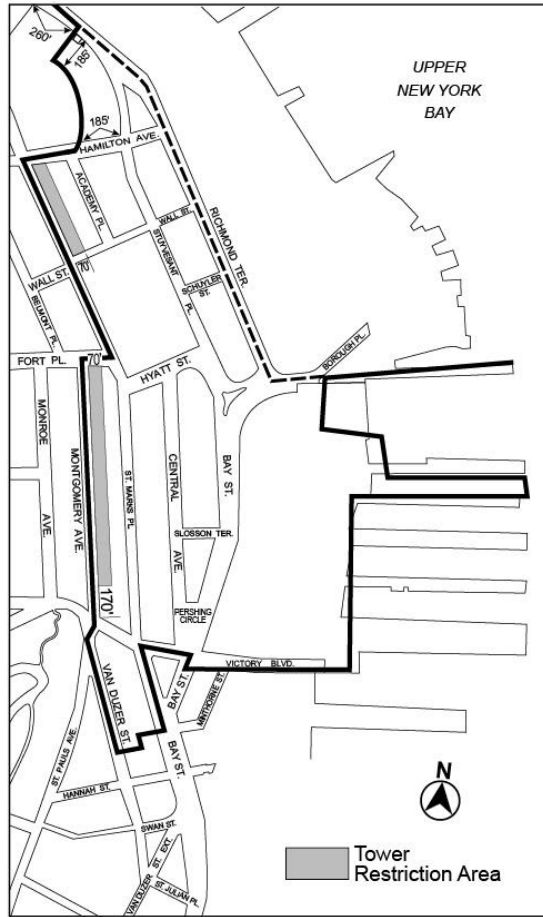
Map 2 – Commercial Streets (11/10/21)



Map 3 – Minimum and Maximum Base Heights (11/10/21)



Map 4 – Tower Restriction Areas (11/10/21)



Map 5 – Visual Corridors and Parcels (11/10/21)

