



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 2 - Special Enhanced Commercial District (EC)**

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## Chapter 2 - Special Enhanced Commercial District (EC)

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### 132-00 - GENERAL PURPOSES

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LAST AMENDED

4/20/2016

The “Special Enhanced Commercial District,” established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- (a) in “Special Enhanced Commercial District” 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;
- (b) in “Special Enhanced Commercial District” 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks;
- (c) in “Special Enhanced Commercial District” 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (d) in “Special Enhanced Commercial District” 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (e) in “Special Enhanced Commercial District” 5, to enhance the vitality of emerging commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (f) in “Special Enhanced Commercial District” 6, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to be occupied by active uses that enliven the pedestrian experience along the street; and
- (g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

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### 132-10 - GENERAL PROVISIONS

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LAST AMENDED

10/7/2021

The provisions of this Chapter shall apply to all #buildings# with #street# frontage along a #designated commercial street#.

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#, 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. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

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### 132-11 - Special Enhanced Commercial Districts Specified

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LAST AMENDED

The #Special Enhanced Commercial District# is mapped in the following areas:

(a) #Special Enhanced Commercial District# 1

The #Special Enhanced Commercial District# 1 (EC-1) is established on November 29, 2011, on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

- (1) Fourth Avenue, in the Borough of Brooklyn, generally between 25th Street and 15th Street, and Pacific Street and Atlantic Avenue.

(b) #Special Enhanced Commercial District# 2

The #Special Enhanced Commercial District# 2 (EC-2) is established on June 28, 2012, on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and
- (2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3

The #Special Enhanced Commercial District# 3 (EC-3) is established on June 28, 2012, the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4

The #Special Enhanced Commercial District# 4 (EC-4) is established on October 11, 2012, the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

- (1) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner Place and Monroe Street.

(e) #Special Enhanced Commercial District# 5

The #Special Enhanced Commercial District# 5 (EC-5) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

- (1) Atlantic Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Euclid Avenue;
- (2) Pitkin Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Crescent Avenue;
- (3) Fulton Street, in the Borough of Brooklyn, generally between Eastern Parkway and Van Sinderen Avenue; and
- (4) Pennsylvania Avenue, in the Borough of Brooklyn, generally between Fulton Street and Atlantic Avenue.

(f) #Special Enhanced Commercial District# 6

The #Special Enhanced Commercial District# 6 (EC-6) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

- (1) Fulton Street, in the Borough of Brooklyn, between Sheffield Avenue and Euclid Avenue.

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## **132-12 - Definitions**

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LAST AMENDED

6/6/2024

For the purposes of this Chapter, matter in italics is defined in Sections [12-10](#) (DEFINITIONS) and [32-301](#) (Definitions).

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## **132-13 - Streetscape Regulations**

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LAST AMENDED

6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section [32-30](#) (STREETSCAPE REGULATIONS), inclusive, shall apply, except that the #ground floor level# #street# frontages# along those portions of #streets# mapped in the #Special Enhanced Commercial Districts#, as listed in Section [132-11](#) (Special Enhanced Commercial Districts Specified), shall be considered #Tier C street frontages#. Additional regulations are set forth in Section [132-20](#), inclusive.

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## **132-20 - ADDITIONAL REGULATIONS FOR CERTAIN ENHANCED COMMERCIAL DISTRICTS**

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LAST AMENDED

6/6/2024

## **132-21 - Special Enhanced Commercial Districts 2 and 3**

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LAST AMENDED

6/6/2024

### **(a) #Special Enhanced Commercial District# 2**

In addition to the streetscape regulations outlined in Section [132-13](#), the following shall apply in #Special Enhanced Commercial District# 2:

- (1) for #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage; and
- (2) the maximum #street wall# width of any non-#residential# #ground floor level# establishment shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#, except that the maximum width of a savings, loan and other financial service establishment, as listed under Use Group VI, shall not exceed 25 feet.

However, the provisions of this Section shall not apply to grocery and convenience retailers listed under Use Group VI.

### **(b) #Special Enhanced Commercial District# 3**

In addition to the streetscape regulations outlined in Section [132-13](#), the following shall apply in #Special Enhanced Commercial District# 3:

- (1) for the purposes of applying the underlying provisions set forth in Section [32-30](#) (STREETSCAPE REGULATIONS), the streetscape regulations for C4-7 Districts shall apply in lieu of the underlying district regulations; and
- (2) the maximum #street wall# width of a savings, loan and other financial service establishment, as listed under Use Group VI, shall not exceed 25 feet.

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## 132-211 - Non-conforming uses

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LAST AMENDED

6/6/2024

In #Special Enhanced Commercial Districts# 2 and 3, the regulations of Article V, Chapter 2, shall be modified so that the discontinuance provisions of Section [52-60](#) shall not apply to such change of #use# within establishments with #non-conforming# #street wall# widths.

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## 132-212 - Certification to allow a limited increase in street wall width

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LAST AMENDED

6/6/2024

In #Special Enhanced Commercial District# 2, a non-#residential# establishment may extend its #street wall# beyond the maximum width set forth in Section [132-21](#), and the required number of such establishments may be reduced, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

- (a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and
- (b) the applicant has submitted an affidavit attesting to and including information that:
  - (1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and
  - (2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:
    - (i) physical restrictions created by the #building# design, including, but not limited to, the location of existing structural walls and vertical circulation cores;
    - (ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or
    - (iii) regulatory limitations; and
- (c) the applicant has demonstrated that, at the time of application, not more than one non-#residential# establishment, either existing or with an approved certification or authorization pursuant to Sections [132-212](#) and [132-213](#) that has not lapsed, has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

- (1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph (c); and
- (2) provide at the time of application, pursuant to Sections [132-212](#) and [132-213](#), evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph (c).

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30-day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.

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### **132-213 - Authorization to modify maximum street wall widths of establishments**

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LAST AMENDED  
6/6/2024

In #Special Enhanced Commercial District Districts# 2 and 3, the City Planning Commission may authorize a modification of the maximum #street wall# width of non-#residential# establishments, as set forth in Section [132-21](#), provided the Commission finds that:

- (a) such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or
- (b) a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30-day comment period has expired, whichever is earlier.

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### **132-22 - Special Enhanced Commercial District 6**

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LAST AMENDED  
6/6/2024

In addition to the streetscape regulations outlined in Section [132-13](#), the following shall apply in #Special Enhanced Commercial District# 6:

In #Commercial# and #Manufacturing Districts#, other than C4-4L Districts, for #developments# or horizontal #enlargements# at the ground level, resulting in a #street wall# of 40 feet or wider, as measured along the #street line#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of

such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

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## **132-30 - SPECIAL PARKING REGULATIONS**

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LAST AMENDED

6/6/2024

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## **132-31 - Curb Cut Requirements**

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LAST AMENDED

6/6/2024

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on:
  - (1) November 29, 2011, in #Special Enhanced Commercial District# 1;
  - (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
  - (3) April 20, 2016, in #Special Enhanced Commercial District# 5; or
  - (4) April 20, 2016, in #Special Enhanced Commercial District# 6;
- (c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and
- (d) has a #lot area# of at least 5,700 square feet.