

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
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Article VII: Administration

Chapter 9 - Special Regulations Applying to Large-Scale Community
Facility Developments

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CITY PLANNING COMMISSION
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8/24/67

Chapter 9
Special Regulations Applying to Large-Scale Community Facility
Developments

11/19/87

79-00
DEFINITIONS

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

8/24/67

79-10
GENERAL PROVISIONS

10/25/93

79-11
Applicability of this Chapter

#Large-scale community facility developments# are governed by all the #use#, #bulk#, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter. Such special provisions are designed to deal with problems which arise only in connection with #large-scale community facility developments# and apply only to such #developments# as set forth herein.

#Large-scale community developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Chapters 4, 8 & 9 of Article VII).

1/25/68

79-12
Permitted Uses

A #large-scale community facility development# may include within its area any #community facility uses#, #residential uses# or #commercial uses# permitted in the district or districts in which it is located.

8/24/67

79-20

BULK REGULATIONS

10/17/07

79-21

General Provisions

When a #large-scale community facility development# includes two or more #zoning lots# which are contiguous or would be contiguous but for their separation by a #street#, the City Planning Commission may, in appropriate cases, upon application, authorize the permitted #floor area#, #lot coverage#, #dwelling units# or #rooming units#, or the required #open space# for all #zoning lots# within the #development#, to be distributed without regard for #zoning lot lines#, may modify the minimum required distance between #residential buildings# as set forth in Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT), provided such reduction does not exceed 15 percent of that required by Section 23-71, may authorize the location of #buildings# without regard for #front yard# or height and setback regulation which would otherwise apply along portions of #streets# wholly within the #development#, and, further, may authorize the location of #community facility buildings# without regard to #side# or #rear yard# regulations which would otherwise apply along portions of #lot lines# abutting other #zoning lots# within the #development#.

As a condition of granting such authorizations, in each case the Commission shall make the following special findings:

- (a) that such distribution or location will permit better site planning and will thus benefit both the residents, occupants, or users of the #development# and the City as a whole;
- (b) that such distribution or location will not unduly increase the #bulk# of #buildings# in any #block#, to the detriment

of the occupants or users of #buildings# in the #block# or nearby #blocks#; and

- (c) that such distribution or location will not affect adversely any other #zoning lots# outside the #development# by restricting access to light and air or by creating traffic congestion.

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, #floor area# bonuses for #public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations prior to February 9, 1994, shall be eliminated or reduced in size except by special permit, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

8/24/67

79-30

PARKING REGULATIONS

8/24/67

79-31

Location of Parking Spaces

When a #large-scale community facility development# includes two or more #zoning lots#, the City Planning Commission may, upon application authorize permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard for #zoning lot lines#, provided that in each case the Commission shall make the following special findings:

- (a) that such off-street parking spaces will be conveniently located in relation to the #use# or #uses# to which such spaces are #accessory#;

- (b) that such location of the off-street parking spaces will permit better site planning and will thus benefit both the owners, occupants, employees, customers, residents, or visitors of the #development# and the City as a whole; and
- (c) that such location of the off-street parking spaces will not increase the number of spaces in any single #block# or the traffic drawn through any one or more of the nearby local #streets# in such measure as to affect adversely other #zoning lots# outside the #development# or traffic conditions in the surrounding area.

Whenever required off-street parking spaces are authorized to be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# or #use# shall be kept available for such #building# or #use# throughout its life.

9/13/84

79-32

Location of Loading Berths

When a #large-scale community facility development# includes two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted required #accessory# loading berths to be located anywhere within the #development# without regard for #zoning lot lines#, provided that in each case the Commission shall make the following special findings:

- (a) that such loading berths will be appropriately located in relation to the #use# or #uses# to which such berths are #accessory# so as to permit better site planning and will thus benefit the owners, occupants, employees, residents or visitors to the large scale development and the City as a whole;
- (b) that such loading berths will be accessible to all the #uses# in the large-scale community development without the need to cross any #wide street# at grade;
- (c) that the location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# within or surrounding such #development#; and
- (d) that the loading berths comply with all other applicable district regulations.

7/19/73

79-40

SPECIAL PERMIT PROVISIONS

7/19/73

79-401

Special permit

For #large-scale community facility developments# for which #development# is authorized in accordance with the provisions of Section 79-402 (Special permit for development over streets) the City Planning Commission may grant special permits for such #development# in accordance with the applicable provisions of such section and may prescribe appropriate conditions and safeguard thereon. The requirements for findings as set forth in Section 79-402 (Special permit for development over streets) shall constitute a condition precedent to the grant of any special permit. The decision or determination of the Commission shall set forth each required finding in each grant of a special permit for a #large-scale community facility development#. Each finding shall be supported by substantial evidence or data considered by the Commission in reaching its final decision.

7/19/73

79-402

Special permit for development over streets

In a #large-scale community facility development# containing #schools#, hospitals or functionally related facilities in R6 or R7-1 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, when the air space above a #narrow street# or portion thereof is closed and demapped the City Planning Commission may, by special permit, allow the demapped air space to be considered as part of the adjoining #zoning lots# constituting a single #zoning lot#, and may allow on such demapped air space the #development# or #enlargement# of a #building# which is a necessary expansion of an existing #school#, hospital or functionally-related facility located on adjoining #zoning lots#. As a condition for granting a permit for such air rights building on the demapped air space, the

Commission shall find:

- (a) that there is a Master Plan for institutional development which demonstrates that the air rights building over the #street# is necessary to avoid or minimize demolition of existing facilities, or #buildings designed for residential use#, and expansion on existing #zoning lots# owned by the community facility is not feasible to meet its expansion needs;
- (b) that the location of such air rights building will not impair the existing #residential# character of the area;
- (c) that air rights building on that portion of the #zoning lot# above the #street# bed utilizes only unused #floor area# from adjoining #zoning lots# and no #floor area# credit is received from the demapped air space, and the air rights building complies with the off-street parking and loading requirements of the underlying district or districts;
- (d) that the air rights building is contained entirely within the buildable area of the air space plane as defined in this Section and conforms with the height and setback regulations set forth in this Section. That the air rights building is no more than 200 feet in length and there is no more than one such air rights building on a #block# front;
- (e) that the air rights building links the #zoning lots# across the #street#, in the same ownership, with adequate clearance above the #street# bed, and there is no intrusion on the existing #street#, including column supports;
- (f) that all #street# frontages of the #zoning lots# under the air rights building are provided with fenestration or natural light along at least 75 percent of such frontages, and such #street# frontages when #developed# with #uses# other than open area, contain only #uses# requiring human occupancy such as amusement, education, dining, shopping and other similar #uses# permitted by the underlying district regulations. That the main entrance for principal pedestrian access to the #development# is located along the #street# frontages under the air rights building. That no storage rooms, mechanical equipment rooms, parking and loading facilities or curb cuts are located along such #street# frontage unless authorized by the Commission;
- (g) that a satisfactory lighting and ventilation plan consistent with current environmental standards is provided for the #development#; and

- (h) that an additional amount of #open space# for public use at #street# level, linked with the pedestrian circulation system of the area, equivalent to the #street# area covered by the air rights building is provided within 1,000 feet of the air rights building and such #open space# maintained as usable public area in the ownership of the applicant.

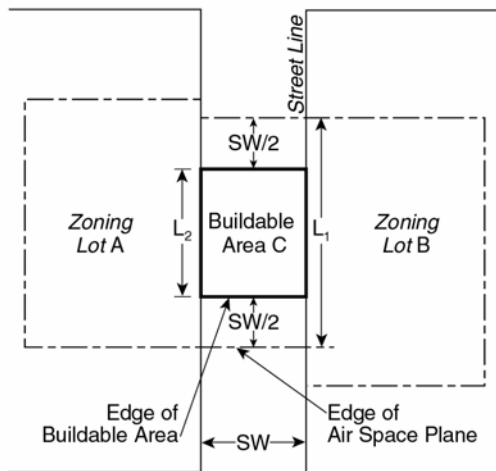
#Curb levels# of the pre-existing #zoning lots# shall not be affected by the closing and demapping of air space over such #street#.

The Commission may impose additional conditions and safeguards to improve the quality of the development and minimize adverse effects on the character of the surrounding area.

For the purposes of paragraph (d) of this Section:

Air space plane is a plane above a #narrow street# located at the same elevation as the lower limiting plane of a volume of #street# eliminated, discontinued and closed by the Board of Estimate, or its successors. The length "L1" of such air space plane is the length of the common lot frontage of two #zoning lots# opposite and across the #street# in the same ownership and its width is the width of the #narrow street# "SW" (See illustration of Required Setback for the Buildable Area).

The buildable area "C" is the lower limiting plane of the volume of street eliminated, discontinued and closed by the Board of Estimate, or its successors, except that in no case shall the edge of the buildable area be closer to the edge of the air space plane by a distance equal to one half the street width "SW/2" (See illustration of Required Setback for the Buildable Area).



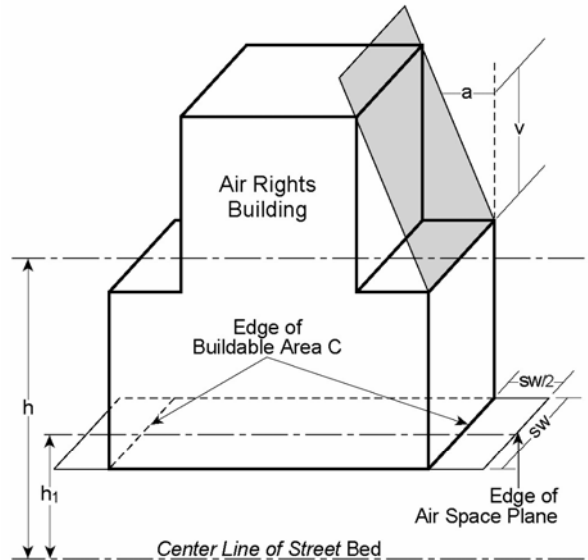
- SW - Width of a *narrow street*
- SW/2 - Minimum required setback for the buildable area from the edge of air space plane
- L₁ - Length of common lot frontage of two *zoning lots* across a *narrow street*
- L₂ - Permissible length of the buildable area for an air rights building

REQUIRED SETBACK FOR THE BUILDABLE AREA

The air rights building shall comply with the height and setback regulations of this Section and the buildable area shall be completely covered by the air rights building, except that an air rights building may be set back from the edge of the buildable area which traverses the #street# provided that such setback area is open and obstructed from the lowest level of the #street# to the sky.

The #development# or #enlargement# of an air rights building on the buildable area of the air space plane shall comply with the following #sky exposure plane# regulations (See illustration of Required Sky Exposure Plane):

Height above #street# bed (in ft.)	#Sky Exposure Plane#		District
	Vertical Distance	Horizontal Distance	
60	2.7	to 1	R6 R7-1 C1 C2



- a - Horizontal distance
- v - Vertical distance
- h - Height of *sky exposure plane* above *center line of street bed*
- h_1 - Required clearance above *center line of street bed* for an air rights building
- $h-h_1$ - (h minus h_1) Maximum permissible height of vertical wall of air rights building along the edge of a buildable area
- SW - Width of a *narrow street*
- SW/2 - Minimum required setback for the buildable area from the edge of air space plane
- Sky Exposure Plane*

REQUIRED SKY EXPOSURE PLANE

The height of the vertical wall or any other portion of an air rights building which traverses the #street#, shall not penetrate the #sky exposure plane#.

The #sky exposure plane# shall be measured from a point above the edge of the buildable area which traverses the #street#.

9/13/84

79-403

Special permit for development of bridges over streets

In a #large-scale community facility development# containing hospitals or functionally-related facilities in Manhattan Community Board 12, when the air space above a #wide street# or portion thereof is closed and demapped, the City Planning

Commission may, by special permit, allow the development in such demapped air space of an enclosed bridge or bridges to connect #buildings# within the #large-scale community facility development#. As a condition for granting a permit for #development# of such bridges, the Commission shall find that:

- (a) such bridge or bridges are essential to interest circulation of the medical function of the health care facility;
- (b) such bridge or bridges shall not rest upon columns or other supports which intrude upon the #street#;
- (c) the width of each such bridge shall not exceed 20 feet;
- (d) such bridge within the demapped air space utilizes only #floor area# derived from the adjoining #zoning lots# and that no #floor area# credit is generated from the demapped air space;
- (e) illumination of at least 5 foot candles is provided at the #curb level# of such bridge or bridges;
- (f) such bridge in demapped air space over a #wide street# adjoins #zoning lots# wholly within the #large-scale community facility development#;
- (g) the minimum horizontal distance between the nearest edges of two such bridges traversing the same #street# shall be two times the width of the #street#;
- (h) the maximum exterior height of each such bridge shall not exceed 12 feet;
- (i) the benefit gained from the bridge or bridges resulting from the #bulk# design or placement of such bridge or bridges outweighs any adverse impact on neighborhood character and any restriction of access to light and air to surrounding public spaces and #streets#; and
- (j) a landscaped open area for public use at #street# level, linked with the pedestrian circulation system, which is at least equivalent to the #street# area covered by the bridge is provided in one location within the #large-scale community facility development# and such open area is maintained with planting and seating facilities by the owner of the #development# or the owner's designee.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize the effect of the bridges including but not limited to clearance above the #street# and surfacing

materials of the bridge.

10/10/74

79-41

Special Permit for Change of Community Facility Use

For #large-scale community facility developments# previously approved by the City Planning Commission, the Commission may, by special permit, allow a change of #community facility use# to a #residential use# subject to the applicable district regulations.

For the purpose of this special permit, such change of #use# shall be deemed not to alter the status and previous authorizations relating to the #large-scale community facility development#.

As a condition precedent to the grant of such special permit, the Commission shall find:

- (a) that such #community facility use# does not provide essential services to the community at large; and
- (b) that such #community facility use# has been actively operated as a #community facility use# for a period not less than five years following Commission approval of the #large-scale community facility development# or was actively operated as a #community facility use# prior to Commission approval of the #large-scale community facility development#.

9/9/04

79-42

Special Permit for Non-profit Hospital Staff Dwelling Buildings

For #non-profit hospital staff dwellings# in #large-scale community facility developments# in Manhattan Community Board 8, the City Planning Commission, may by special permit, allow:

- (a) Temporary occupancy of #dwelling units# by outpatients of the non-profit or voluntary hospital or by families visiting hospitalized patients provided the following findings are made:

- (1) that the density and transient nature of the population housed in such #dwelling units# will not impair the essential character, future use or development of the surrounding area; or impair the security of the hospital staff residing in the #building#;
 - (2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
 - (3) that the number of such #dwelling units# so occupied is less than fifty percent of the total number of #dwelling units# in the #building#.
- (b) Ambulatory diagnostic or treatment health care facilities listed in Use Group 4 on the third floor of such #buildings# in C1 Districts, provided the following findings are made:
- (1) that such facilities are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;
 - (2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surfaced traffic and pedestrian flow;
 - (3) that such #use# will not impair the essential character, future use or development of the surrounding area;
 - (4) that such #use# will not produce any adverse effects which interfere with the appropriate use of land in the districts or in any adjacent district; and
 - (5) that separate access to the outside is provided.

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

9/13/84

79-43

Special Permit for Limited Bulk Modifications for Certain Large-Scale Community Facility Developments

For #large-scale community facility developments# located within the boundaries of Community Districts 8 and 12 in the Borough of

Manhattan, that contain #community facility uses# specified in Section 73-64 (Modification for Community Facility Uses), the City Planning Commission may, by special permit, permit modification of regulations relating to height and setback on the periphery of the #development#, #courts# and distance between windows and walls or #lot lines# not otherwise allowed in Section 79-21 (General Provisions). As a condition for such action, the Commission shall find that such modification:

- (a) is required in order to enable the #large-scale community facility development# to provide an essential service to the community;
- (b) will provide a more satisfactory physical relationship to the existing #buildings# which form the #large-scale community facility development#, and provide a more efficient and integrated site plan;
- (c) will better complement the existing character of the neighborhood;
- (d) will not unduly increase the #bulk# of #buildings# in any #block#, to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks#; and
- (e) will not adversely affect any other #zoning lots# or #streets# outside the #development# by unduly restricting access to light and air.

7/18/95

79-44

Lapse of Authorization or Special Permit

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.