

Community Board Training Series

“Land Use & Zoning 101”

by

*Land Use, Planning and Development Division
Office of Manhattan Borough President Scott M. Stringer*



July 2008



Land Use & Zoning 101

1. Land Use
& Origins of Zoning
2. Mechanics of Zoning
3. Public Review Process
4. Tools & Resources

What is Land Use?

-  Residential
-  Mixed Use
-  Commercial
-  Parks
-  Institutions
-  Transport / Parking
-  Industrial
-  Vacant Lots



Setting the Stage for Zoning

In **1915**, the 42-story Equitable Building was last building built under the “old rules”.

1870 Building Code, which was largely concerned with fire safety:

- cast-iron columns
- internal fire-proofing
- height-to-street width ratio for some buildings

Public outrage because the Equitable Tower would casting **shadows** over neighboring buildings (and cause serious devaluation of property).



1916 Zoning Resolution

1916: New York City enacted the nation's first comprehensive zoning resolution.

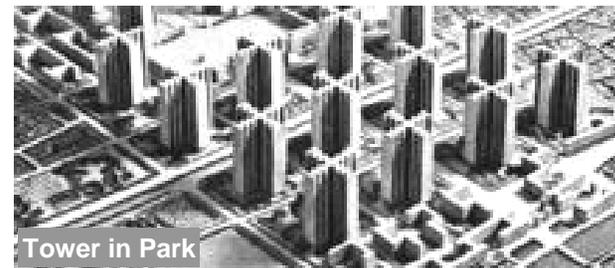
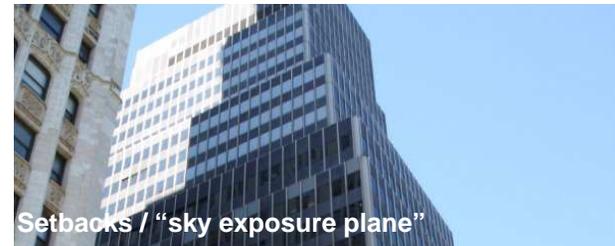
- To promote and protect the public health, safety and general welfare
- Established height and setback controls
- Separated residential areas from some non-residential uses (industry and manufacturing)

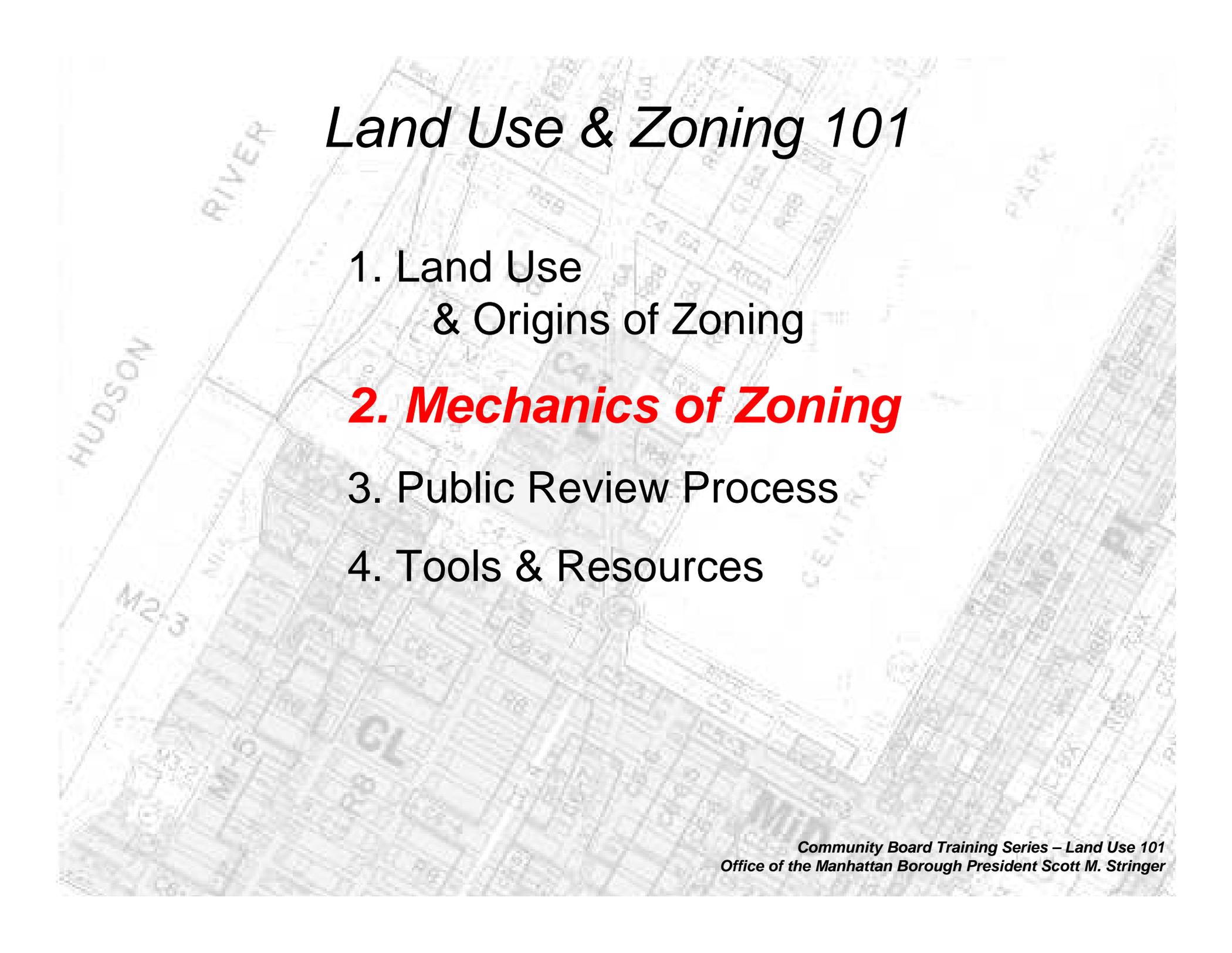


Hugh Ferriss, 1920s

1961 Zoning Resolution

- Established Use Groups to coordinate different uses
- Introduced bulk regulations (and eliminated height limits) to control density and ensure air and light
- Incorporated new concepts to reflect new ideas in urban design and urbanism
- Addressed progress of the automobile





Land Use & Zoning 101

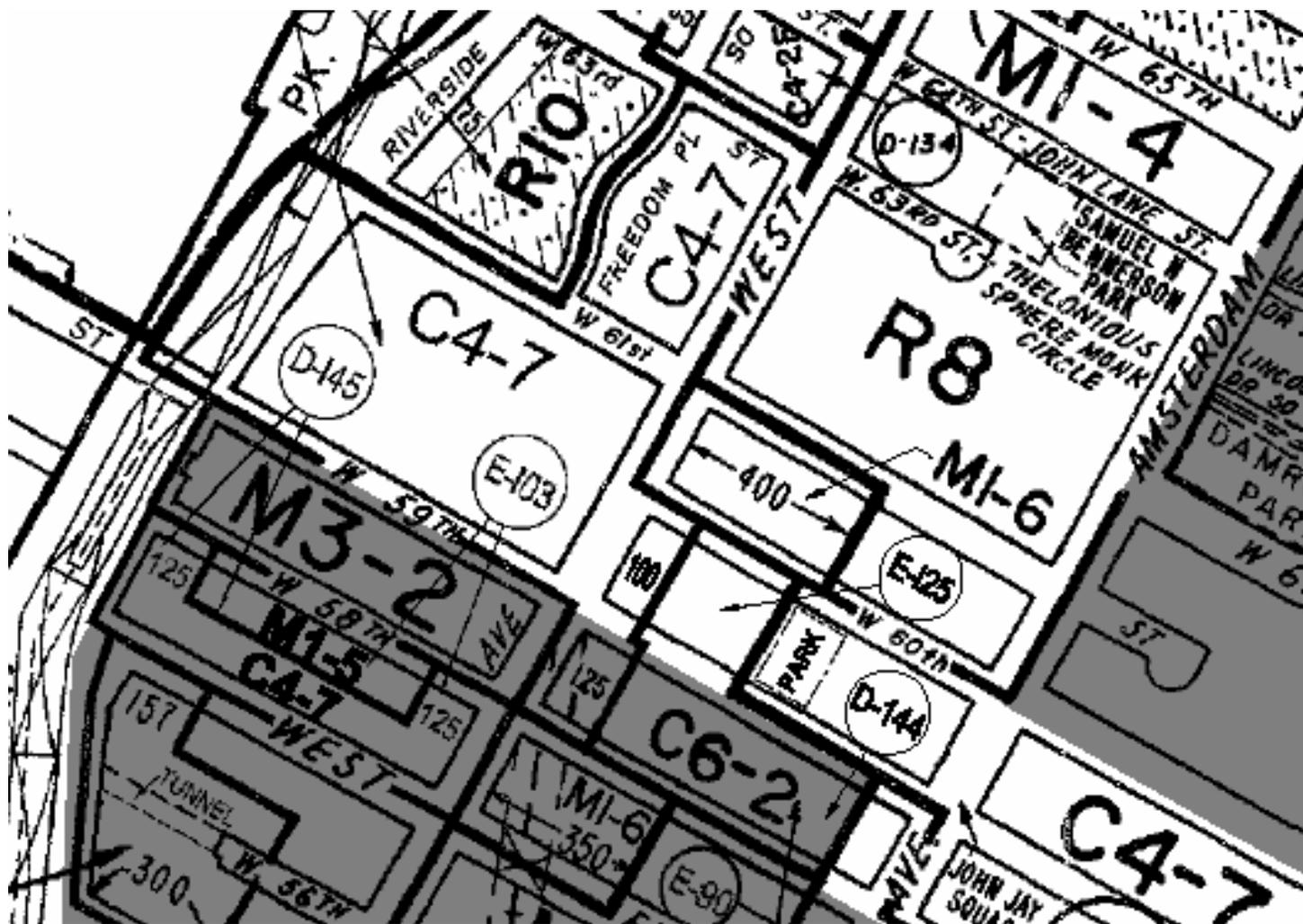
1. Land Use
& Origins of Zoning

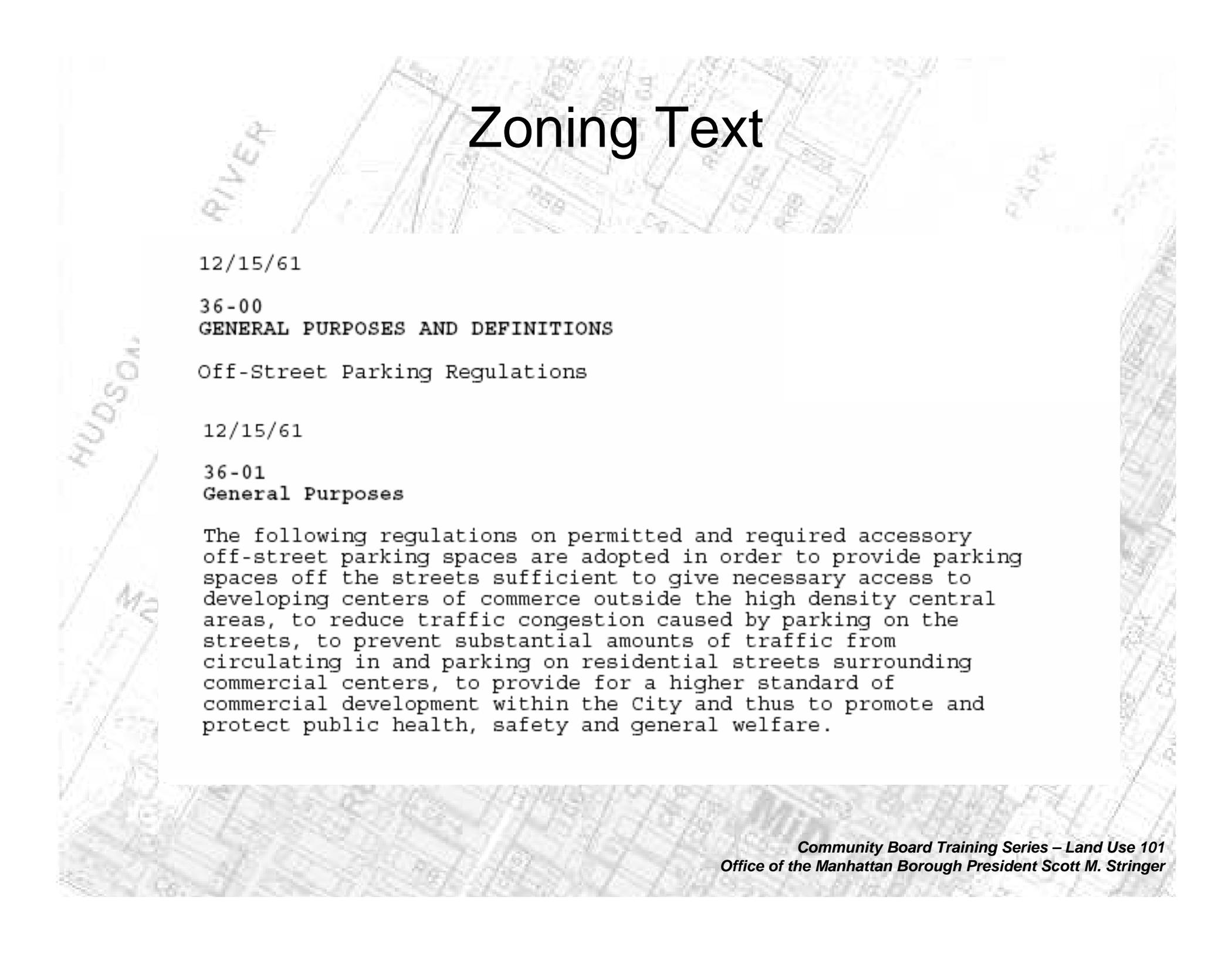
2. *Mechanics of Zoning*

3. Public Review Process

4. Tools & Resources

Zoning Map





Zoning Text

12/15/61

36-00

GENERAL PURPOSES AND DEFINITIONS

Off-Street Parking Regulations

12/15/61

36-01

General Purposes

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets sufficient to give necessary access to developing centers of commerce outside the high density central areas, to reduce traffic congestion caused by parking on the streets, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial centers, to provide for a higher standard of commercial development within the City and thus to promote and protect public health, safety and general welfare.

Zoning Text

12/15/61

Article 3, Chapter 6 and Section 00
(§ 36-00)

36-00

GENERAL PURPOSES AND DEFINITIONS

Off-Street Parking Regulations

12/15/61

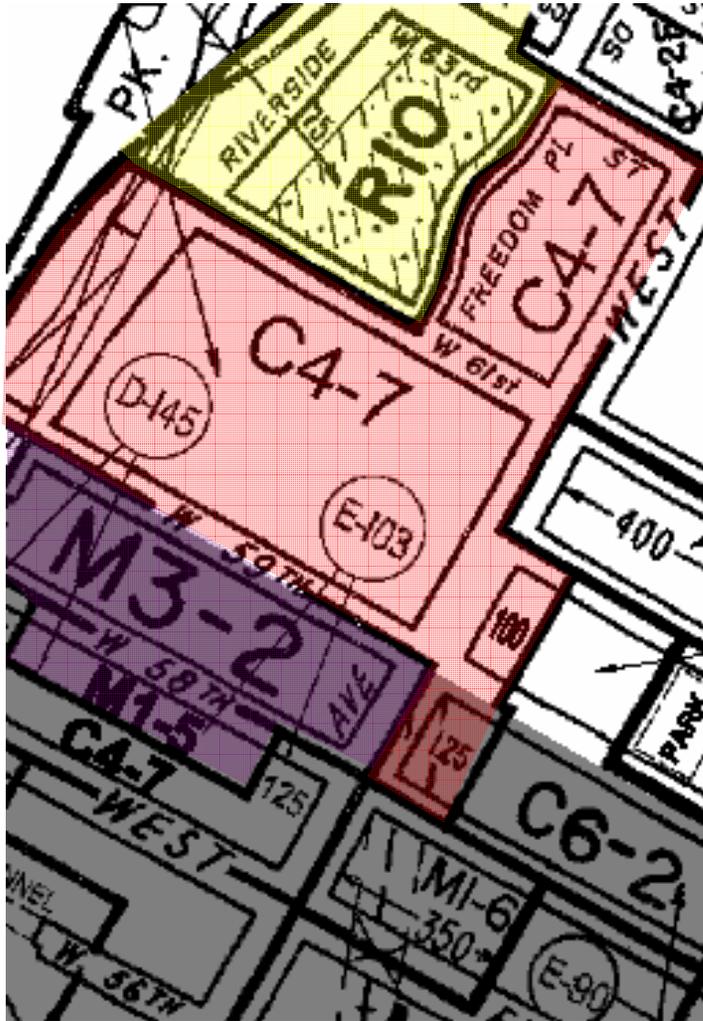
— Date created
or last revised

36-01

General Purposes

The following regulations on permitted and re off-street parking spaces are adopted in orde spaces off the streets sufficient to give nec

Zoning Districts



R = Residential Districts

C = Commercial Districts

M = Manufacturing Districts

How does zoning work?

Each zoning district regulates:

- Types of uses allowed
- Density (floor area ratio; FAR)
 - Overall density
 - Density of individual uses
- Number of dwelling units
- Amount of open space
- Required parking (if any)
- Lot coverage
- Distance from buildings and lot lines

Some districts regulate other features such as height limits and street walls.

Use Groups

Uses are grouped based on common functional or nuisance characteristics. Zoning text identifies which use groups are permitted in each zoning district.

Group	Type of Use
1 & 2	Residential
3 & 4	Community Facilities
5 - 9	Commercial / Local retail & Services
10 - 11	Regional Shopping Centers/Amusement
12 - 15	Waterfront / Recreation
16	General Services / Heavy Automotive
17 & 18	Manufacturing

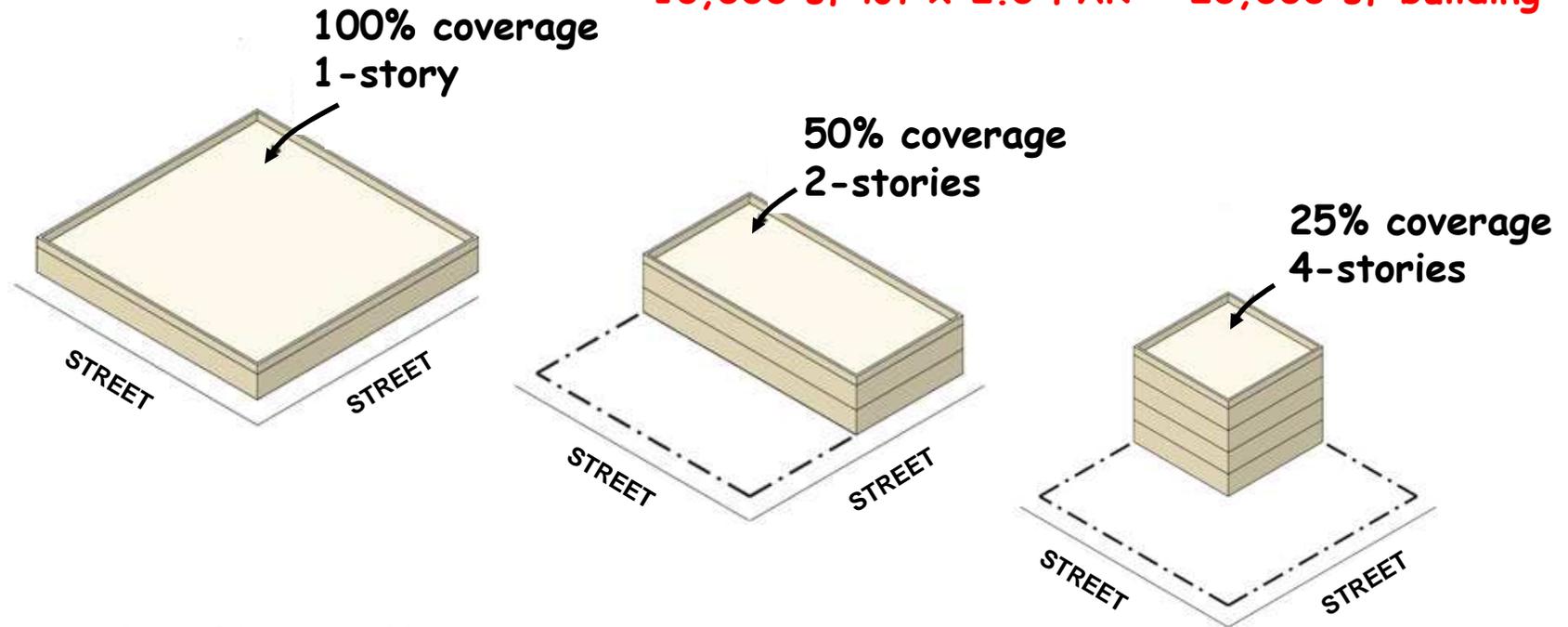
Use Groups

Use	Use Group	Districts In Which Permitted
Shipping, waterfront (See Boats or ships)		
Shoddy manufacture	17	M1 M2 M3
Shoes: Manufacture	17	M1 M2 M3
Repair shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Sign painting shops [PRC-B]: Limited as to #floor area#	7	C2 C6 ⁴ C8 M1 M2 M3
Unlimited	16	C8 M1 M2 M3
# Subject to conditions		

FAR Illustrated

Every zoning district has a **floor area ratio (FAR)**.
Multiplying the FAR by the **lot size** will give you the permitted **floor area (size)** of a building.

10,000 sf lot × 1.0 FAR = 10,000 sf building
10,000 sf lot × 2.0 FAR = 20,000 sf building



Images from NYC Department of City Planning

Zoning Designations

R7-2

Medium density apartment house district

Permitted uses: Residential and community facilities

Height limit: none

Max FAR: 3.44 (6.5 with community facilities)

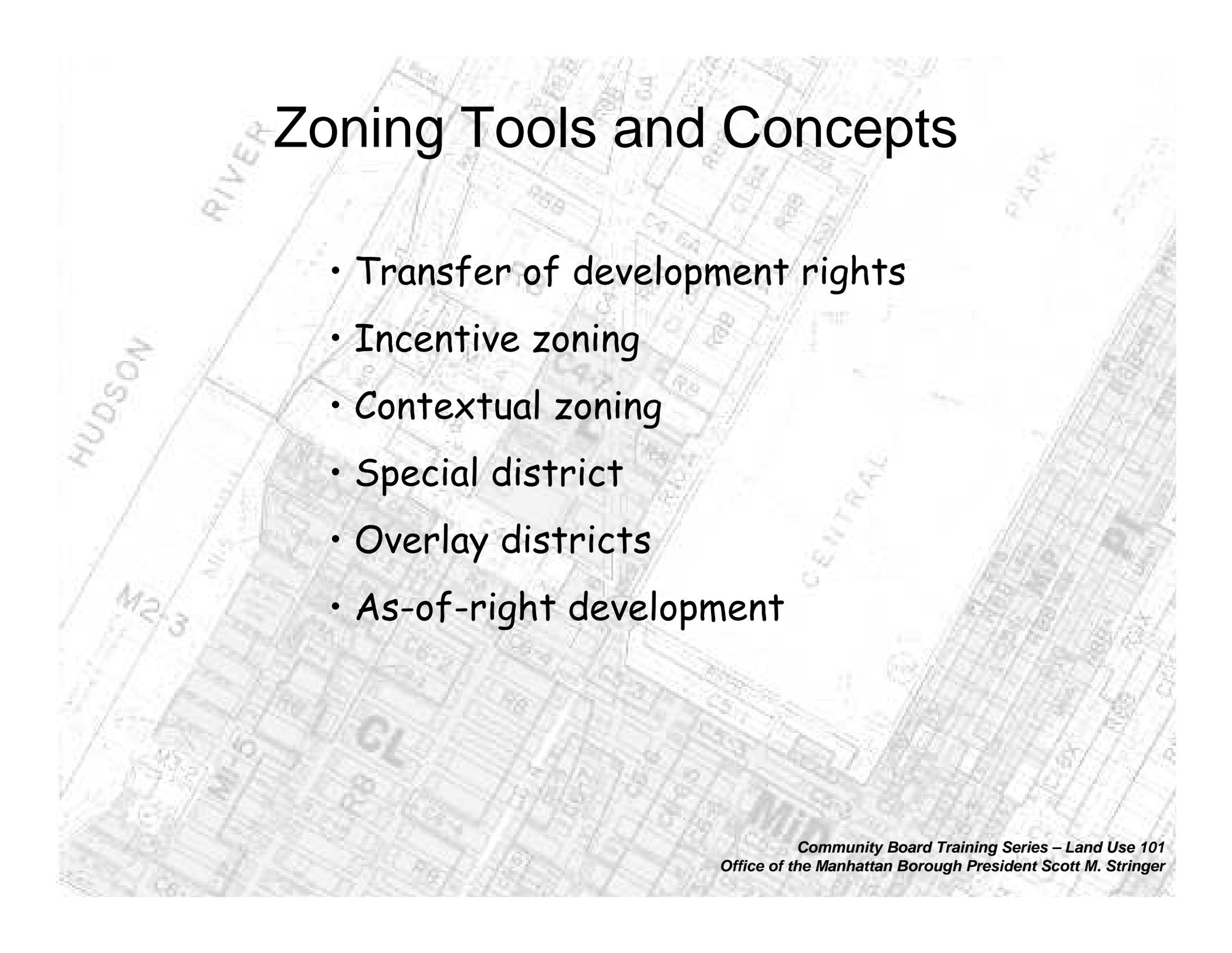
C4-4A

General commercial district

Permitted uses: Residential, community facilities, local and large retail, business services, hotels and offices

Height limit: 80 feet

Max FAR: 4.0



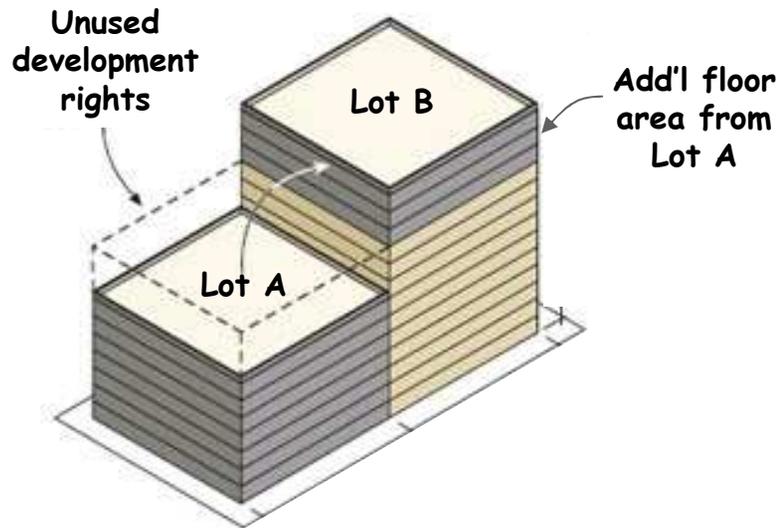
Zoning Tools and Concepts

- Transfer of development rights
- Incentive zoning
- Contextual zoning
- Special district
- Overlay districts
- As-of-right development

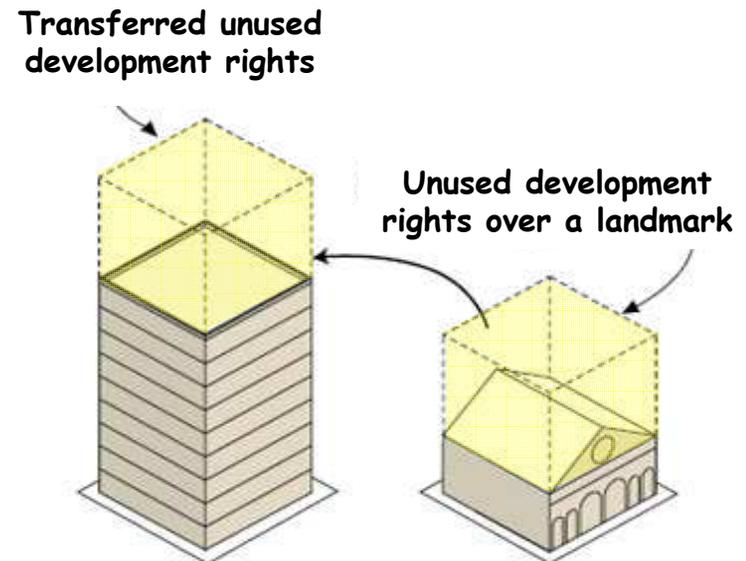
Transfer of Development Rights

When not all allowable FAR is used, the unused development rights, or air rights, may be transferred to a neighboring property.

Shifting density to adjacent lots
(zoning lot merger)



Transfer for special purposes
(e.g. historic preservation)

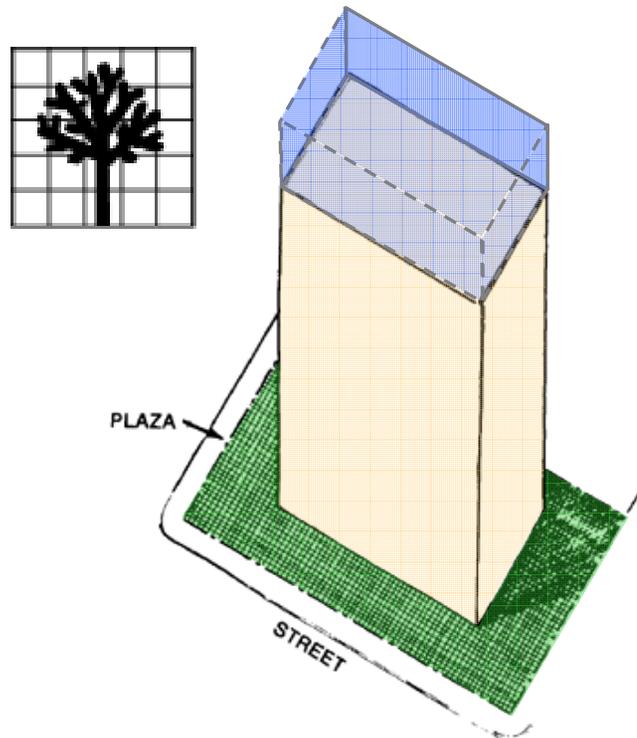


Images from NYC Department of City Planning

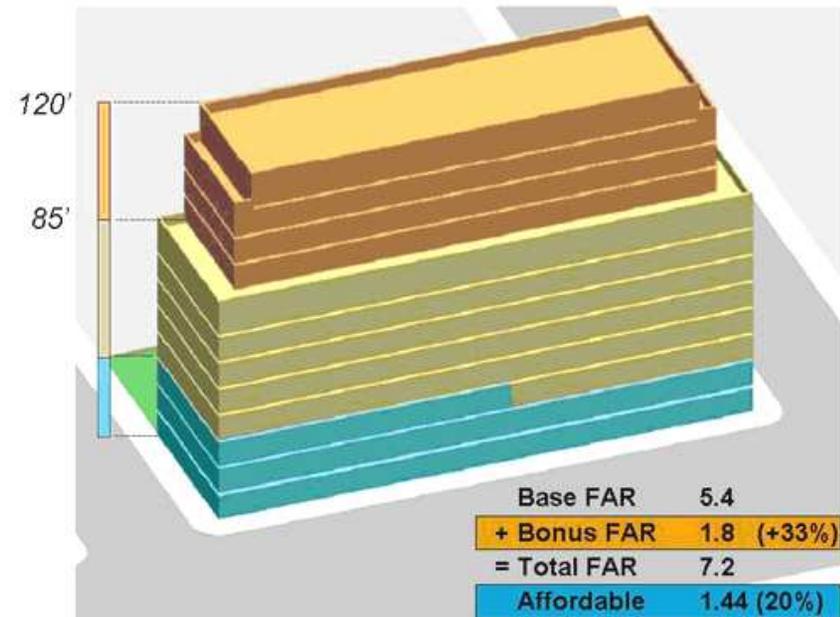
Incentive Zoning

Bonuses allow bigger buildings in exchange for a public benefit.

Public Plazas



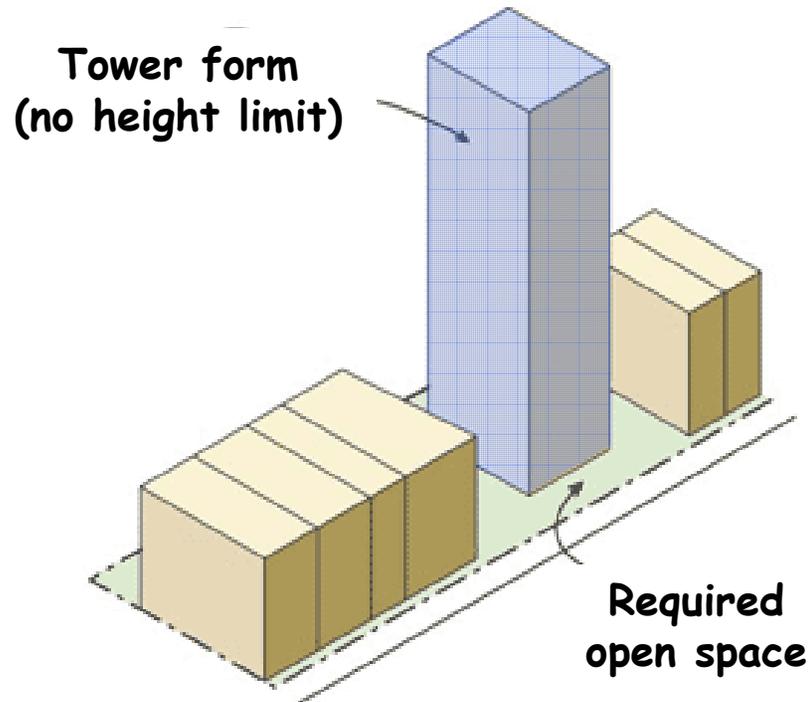
Inclusionary Housing



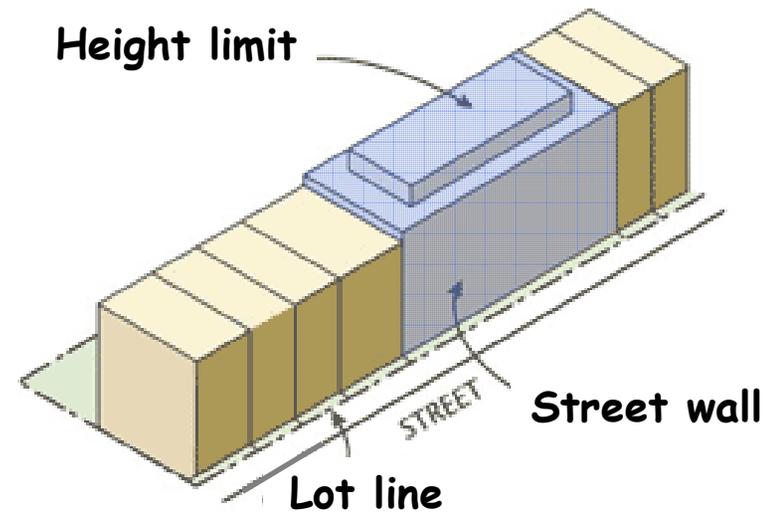
NYC Department of City Planning

“Height Factor” vs. “Contextual”

Height Factor Zoning
(e.g. R7)



Contextual Zoning
(e.g. R7A; also “Quality Housing”)



Images from NYC Department of City Planning

Special Districts

West Chelsea/High Line Special District



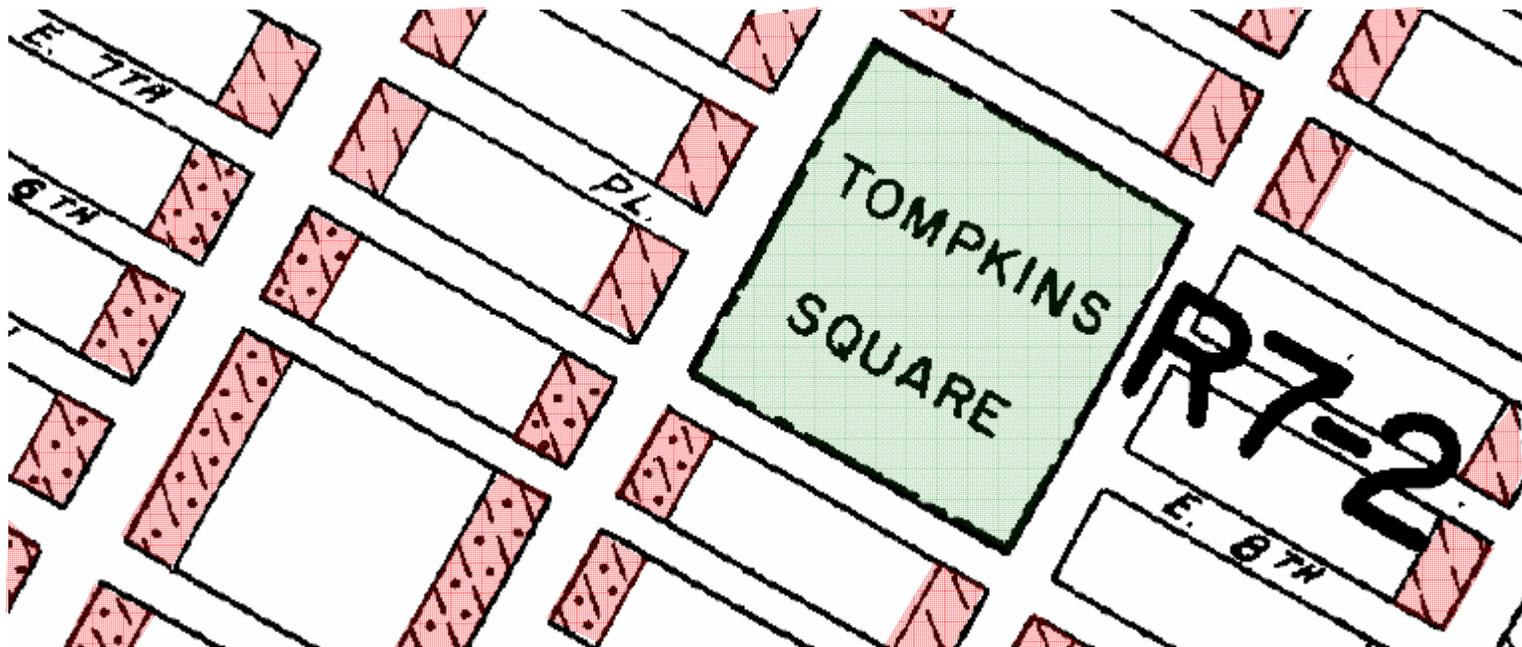
Hudson Yards Special District



Images from NYC Department of City Planning

Commercial Overlays

A commercial overlay is a C1 or C2 district usually mapped within residential neighborhoods to serve local retail needs. FAR is limited to 1.0 or 2.0, usually permitting only ground floor or second floor commercial uses.



As-of-Right Development



Most development in New York City occurs *as-of-right*.

That means that a proposed development meets all the relevant provisions of the Zoning Resolution and the Building Code. No action is required by the City Planning Commission (CPC) or the Board of Standards and Appeals (BSA).

Dept. of Buildings may issue a permit(s) and construction may begin.



Land Use & Zoning 101

1. Land Use
& Origins of Zoning

2. Mechanics of Zoning

3. *Public Review Process*
- *Environmental Review*
- *Land Use Review / ULURP*

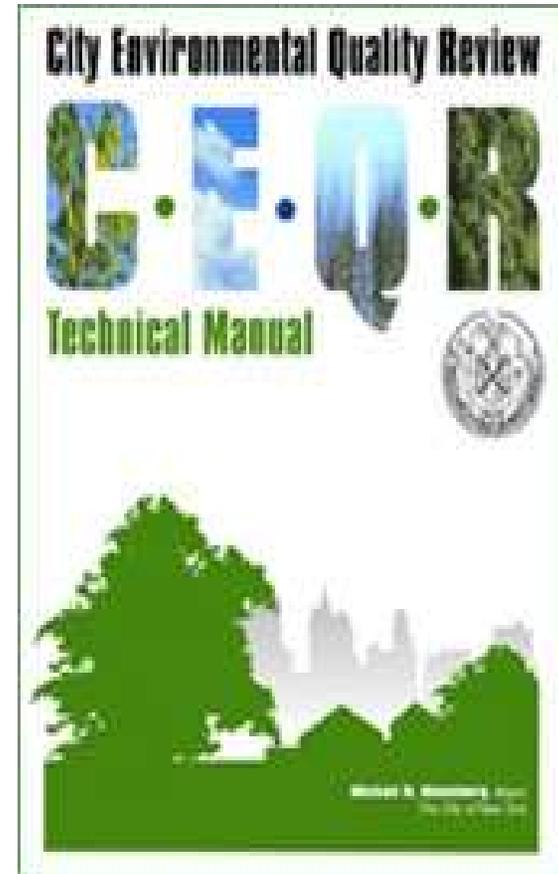
4. Tools & Resources



Environmental Review

The 1975 **S**tate **E**nvironmental **Q**uality **R**evue **A**ct (**SEQRA**) requires state and local governmental agencies to assess environmental effects of discretionary actions before undertaking, funding or approving such actions.

City **E**nvironmental **Q**uality **R**evue (**CEQR**) are the City rules through which New York City implements SEQRA. The *CEQR Technical Manual* guides the City's analysis.



Reasonable Worst-Case Scenario

Environmental studies estimate
"Reasonable Worst-Case Scenario"
impacts on:

- Waterfront Revitalization Program
- Infrastructure
- Solid Waste & Sanitation Services
- Energy
- Traffic & Parking
- Land Use, Zoning & Public Policy
- Socioeconomic Conditions
- Community Facilities & Services
- Open Space
- Shadows
- Transit & Pedestrians
- Air Quality
- Noise
- Construction Impacts
- Public Health
- Historic Resources
- Urban Design/Visual Resources
- Neighborhood Character
- Natural Resources
- Hazardous Materials

Environmental Review

- Is about legally required disclosure
- Defines the "scope" of what can be approved
- Provides for community input
- Proposes mitigation

Department of City Planning, City Planning Commission, and ULURP

Overheard at 22 Reade Street:

Has the new
school site been
ulurp'd yet?

Nope... it's going through
ulurp right now, along with
the street demapping.

Oh, I didn't realize street demapping
was a ulurp action, too.

Department of City Planning



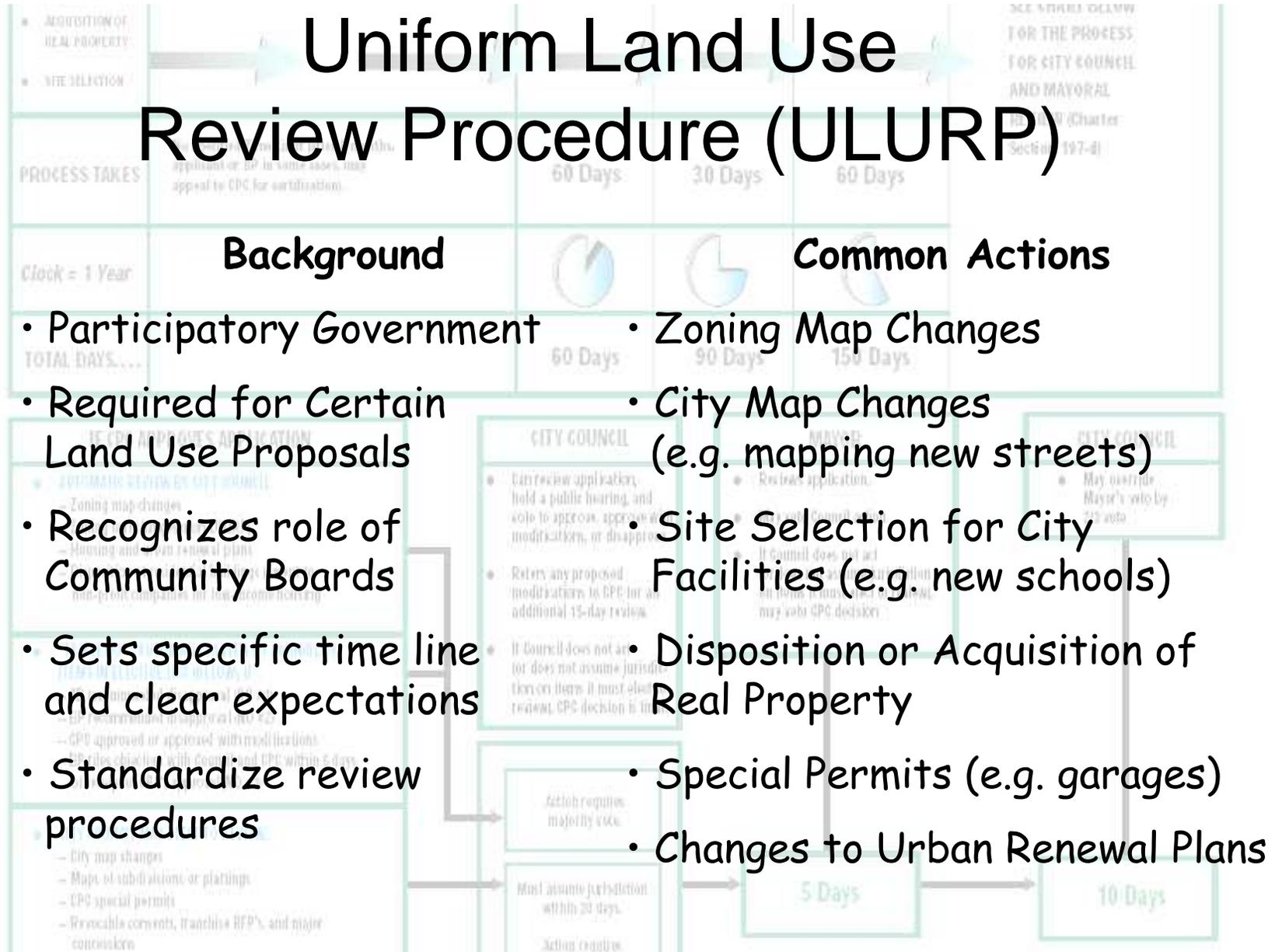
- Responsible for the City's physical and socio-economic planning
- Provide planning information to Community Boards and other City agencies
- Staffed by urban planners, demographers, urban designers, geographers, transportation specialists, etc.
- Responsible for certifying that land use applications are complete, incl. environmental analyses.
- Office in each borough

City Planning Commission

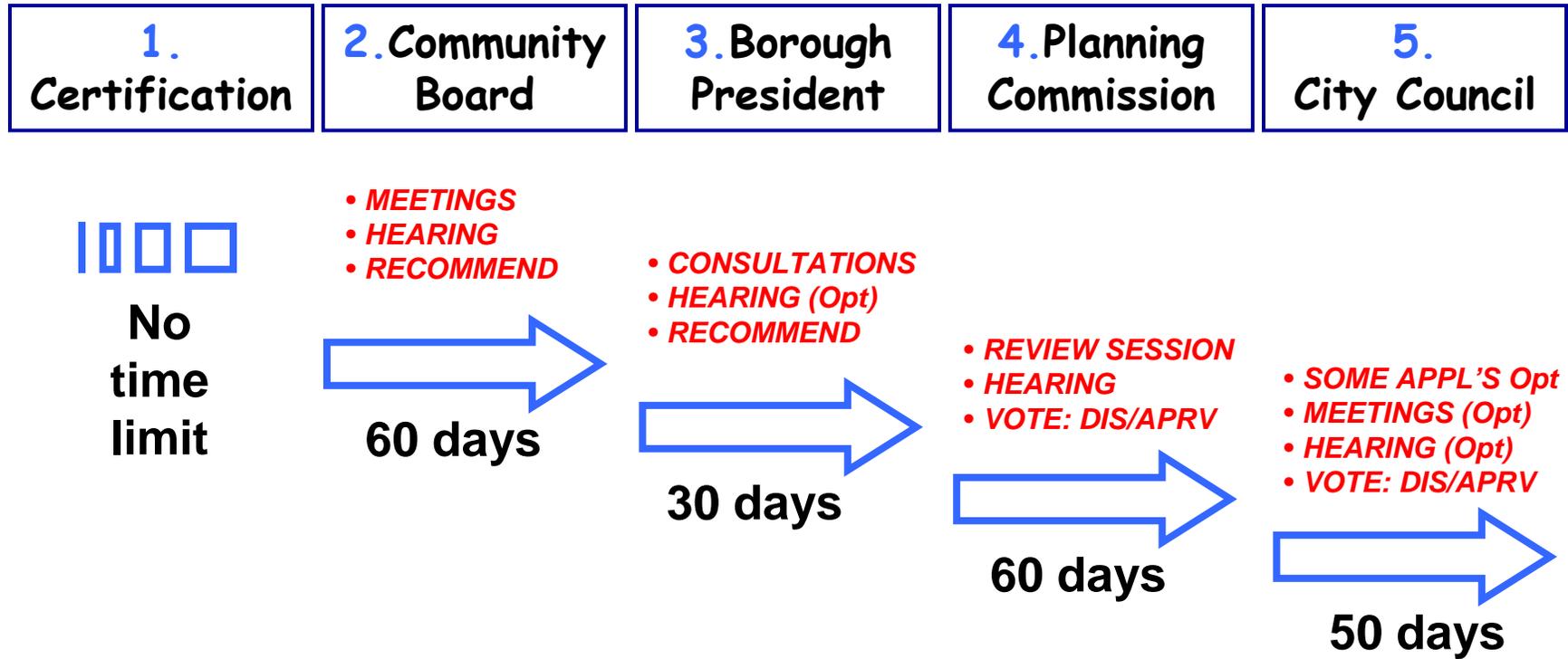
- 13 member panel: Mayor appoints 7, one by each Borough President, one by Public Advocate
- Holds regular public meetings and hearings
- Votes on land use issues, subject to city regulation
- Chair of the Commission is also the Director of the Department of City Planning



Uniform Land Use Review Procedure (ULURP)



Steps of ULURP



The **Mayor** may veto Commission or City Council decision (+ 5 days)

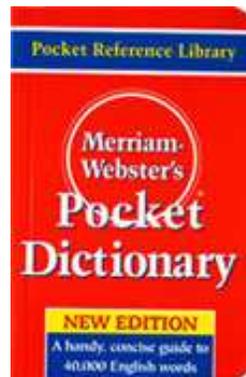
The **City Council** may override Mayor's veto with a 2/3 majority (+ 10 days)

TOTAL TIME: Approx. **200-215** days or approximately **7½** months

“Non-ULURP” Actions

Common “non-ULURP” Actions

- Some Special Permits
- Some Use/Bulk Variances
- Zoning Text Changes
- Office Space Acquisition by the City



*Non-ULURP
(abridged)*

Public Review

- Informal referral to Community Boards
- Typically 30-, 45- or 60-day review period
- Public hearings are not required

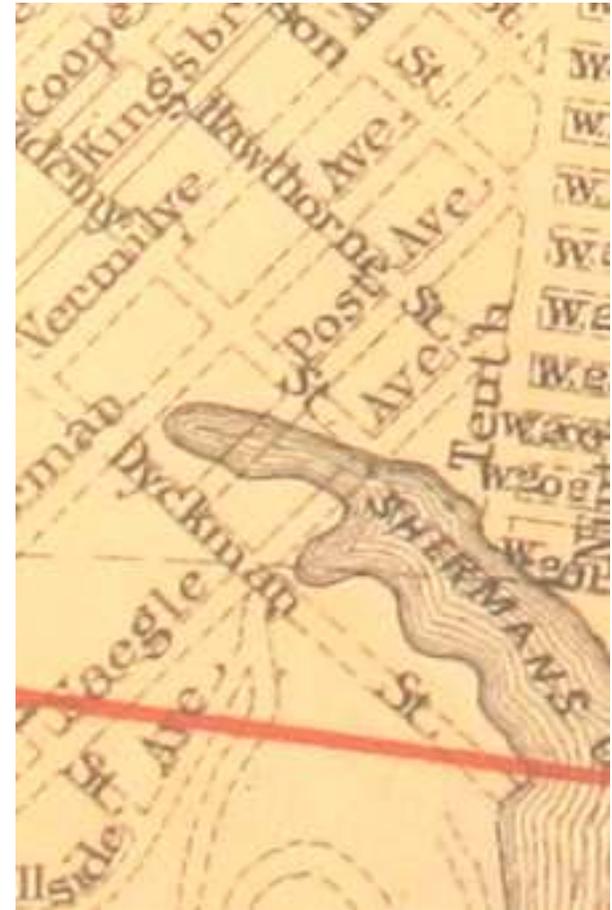


*ULURP
(un-abridged)*

Zoning Variances

Board of Standards & Appeals (BSA) may grant a variance from Zoning provisions provided that each of these findings are met:

- (a) ***Uniqueness***
(e.g. unusual subsurface condition,
oddly-shaped lot, programmatic needs)
- (b) ***Reasonable Return***
(non-profit institutions are exempt)
- (c) ***Neighborhood Character***
(consistency of use and size)
- (d) ***Self-Created Hardship***
(e.g. leaching contaminants from
neighboring properties, conditions of
nature, government actions)
- (e) ***Minimal Variance***
(no more than needed for
reasonable economic return)



Landmarks & Historic Districts

The **Landmarks Preservation Commission (LPC)** was established in 1965 by the Landmarks Law, following the loss of the original Penn Station in 1963.

- A landmark is a "building, property, or object that has been designated by the LPC because it has a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation."
- LPC has power to designate landmarks and historic districts.
- Designated landmarks can only be altered if the LPC finds the alterations "appropriate"
- LPC is 11 commissioners, all appointed by the Mayor (at least 3 architects, 1 historian, 1 city planner or landscape architect and 1 realtor).



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Guide for Community Board Review

Hear from the public

- Hold public meeting (s)
- Hold public hearing (s)
- Post flyers/public notice/monthly mailings/e-mail
- Notify neighbors, the applicant and stakeholders

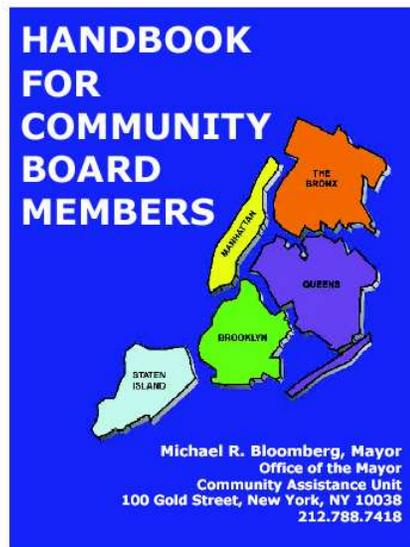
Issue a recommendation

- Consider the “proposed action”, not just the project
 - Action: map change
 - Project: glass building
- Consider planning rationale and policy implications
- Consider impacts (+/-)
- Address findings
- Follow through (w/ Borough President, City Planning Commission & the City Council)

Tools and Resources

Handbook for Community Board Members

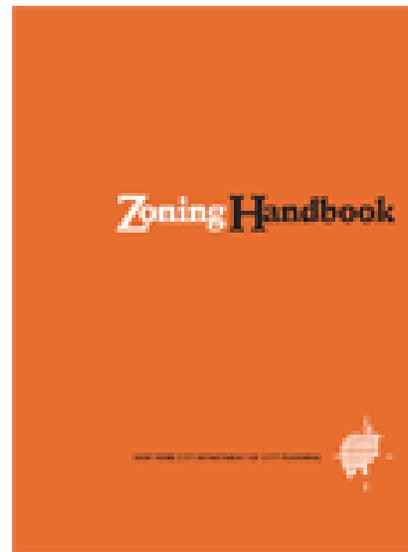
by the Mayor's Community
Assistance Unit



www.mbpo.org

Zoning Handbook

by the NYC Department
of City Planning



*DCP Bookstore
22 Reade Street*

CityLand Journal and CityAdmin (online)

NY Law School's library
of land use decisions



www.citylaw.org

Office of Manhattan Borough President Scott M. Stringer

COMMUNITY AFFAIRS

SHAAN KAHN, Director
JESSICA SILVER, Dep. Director

Community Liaisons

GREG KIRSCHENBAUM
CBs 1 & 3

ANGELICA CRANE
CBs 2 & 4

SARI BERNSTEIN
CBs 5 & 7

DAN BENJOYA
CBs 6 & 8

LAND USE

ANTHONY BORELLI, Director
DAN GOLUB, Dep. Director

Urban Planners

BRIAN COOK, Senior Planner
CBs 7 & 11

JENNIFER HONG
CBs 1, 2, 3 & 8

MIKE KENT
Historic Preservation/Landmarks
CBs 4, 5 & 6

PAIMAAN LODHI
Project Manager, Take Me to the River
CBs 9, 10 & 12

Administrative Support

JUDY OUTLAW-WALKER

NORTHERN MANHATTAN

SHANIFAH RIEARA, Director
WENDY GARCIA, Dep. Director

Community Liaison

JERITZA TAVERAS
CBs 11 & 12

ANTHONINE PIERRE
CBs 9 & 10

212-669-8300

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