

Zoning for Quality and Affordability

Summary of proposed changes to Article VII, Chapter 4 – Special Permits by the City Planning Commission

Overview: Article VII, Chapter 4 of the Zoning Resolution establishes the special permits to be granted by the City Planning Commission. The proposal establishes several new special permits, including one to allow long-term care facilities in the lowest density districts, and one for large-scale developments to request modified parking requirements. More specifically, the proposal:

- Creates new special permit for long-term care facilities in R1 and R2 districts and commercial districts with these residential equivalents.
- Creates new special permit for applications seeking bulk modifications as part of large-scale developments to also reduce parking requirements.
- Revises existing special permit for nursing homes and non-profit institutions with sleeping accommodations to allow the bulk provisions of Article II, Chapter 4 to apply to long-term care facilities in addition to the community facility floor area.
- Removes special permit for domiciliary care facilities, as it is an obsolete use category.
- References to re-numbered or re-titled sections are updated. Terms removed or revised in the proposal are updated. Other edits for general clarity are also included.

If you would have comments or questions on this draft, please send them to ahousing@planning.nyc.gov.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within ## is defined in Section 12-10;
*** indicates where unchanged text appears in the Zoning Resolution

Article VII - Administration

Chapter 4 Special Permits by the City Planning Commission

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74-50 OFF-STREET PARKING ESTABLISHMENTS

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74-53 Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments

74-531 Additional parking spaces or roof parking for accessory group parking facilities

The City Planning Commission may permit #group parking facilities accessory# to #uses# in #large-scale residential developments# or #large-scale community facility developments# or #large-scale general developments# with more than the prescribed maximum number of parking spaces set forth in Sections 25-12, 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) or may permit modifications of the applicable provisions of Sections 25-11, 36-11 and 44-11 (General Provisions) so as to permit off-street parking spaces #accessory# to such #uses# to be located on the roof of a #building#.

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74-532 Reduction or waiver of parking requirements for accessory group parking facilities

The City Planning Commission may, in conjunction with an application for a #large-scale residential development# or #large-scale general development# in the #transit zone# seeking a #bulk# modification, reduce or waive the number of required #accessory residential# off-street parking spaces, including any spaces previously required for an existing #building#, provided that the Commission finds that:

Commented [DCP1]: Creating Sub-section title for existing special permit to reflect new special permit below in 74-532.

Commented [DCP2]: New CPC special permit to reduce parking in conjunction with applications seeking a bulk modification for large-scale developments

- (1) where the applicant is seeking a reduction of parking spaces required by Section 25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the development of #income-restricted housing units#, as defined in Section 12-10 (DEFINITIONS), in such #large-scale residential development# or #large-scale general development#;
- (2) the anticipated rates of automobile ownership for residents of such #large-scale residential development# or #large-scale general development# are minimal and that such reduction or waiver is warranted;
- (3) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and
- (4) such reduction of parking spaces will result in a better site plan with better quality open areas.

In determining the amount of parking spaces to reduce or waive, the Commission may take into account current automobile ownership patterns for an existing #building# containing #residences# on the #zoning lot#, as applicable.

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

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**74-63
Bus Stations**

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**74-634
Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan**

The City Planning Commission may grant, by special permit, a #floor area# bonus not to exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations, and may waive or modify the provisions of Article III, Chapter 7 (Special Regulations), and the #street wall# continuity provisions of Sections 81-43 (Street Wall Continuity Along Designated Streets), 91-31 (Street Wall Regulations) or 101-47 (Special Street Wall Location Regulations) for #developments# or #enlargements# located on #zoning lots# where major improvements to adjacent subway stations are provided in accordance with the provisions of this Section. For the purposes of this Section, "adjacent" shall mean that upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway. Subway stations where such improvements may be constructed are those stations located within the #Special Midtown District# as listed in Section 81-292 (Subway station improvements), the #Special Lower Manhattan District# as listed in Section 91-43 (Special Permit for Subway Station Improvements), the #Special Downtown Brooklyn District# as

listed in Section 101-211 (Special permit for subway station improvements), the #Special Union Square District# as listed in Section ~~118-60~~ 118-50 and those stations listed in the following table:

* * *

**74-70
NON-PROFIT HOSPITAL STAFF DWELLINGS**

* * *

**74-74
Large-Scale General Development**

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**74-743
Special provisions for bulk modification**

- (a) For a #large-scale general development#, the City Planning Commission may permit:
- (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:

* * *

- (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (~~In R6, R7, R8 or R9 Districts~~ Open space and floor area regulations in other R1 and R2 Districts and R3 through R5 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#. Required #open space# for the purposes of this paragraph, (a)(4), shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio#, pursuant to Section 23-142 for the applicable district;

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74-80

Commented [DCP3]: Updating cross reference.

TRANSIENT HOTELS

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74-81

~~Affordable Independent Residences for Seniors Non-profit Residences for the Elderly~~

Commented [DCP4]: Updating term in title and in section below.

The related ~~#accessory#~~ social and welfare facilities minimum requirement, as set forth in Section 12-10 (DEFINITIONS – ~~Affordable Independent Residences for Seniors Non-profit Residence for the Elderly~~) may be reduced or waived in any ~~#affordable independent residence for seniors# #non-profit residence for the elderly#~~ as to which the City Planning Commission makes the following findings:

- (a) the proposed ~~#affordable independent residence for seniors# #non-profit residence for the elderly#~~ is an addition to or ~~#enlargement#~~ or expansion of an existing ~~#affordable independent residence for seniors# #non-profit residence for the elderly#~~ and is located on a ~~#zoning lot#~~ no portion of which is more than 1,500 feet from the existing ~~#affordable independent residence for seniors# #non-profit residence for the elderly#~~;
- (b) both ~~#affordable independent residence for seniors# #non-profit residences for the elderly#~~ will be owned, operated and maintained by the same sponsoring organization;
- (c) the existing ~~#affordable independent residence for seniors# #non-profit residence for the elderly#~~ contains related social and welfare facilities which will be used to adequately and conveniently service tenants of both the existing and proposed ~~#affordable independent residence for seniors# #non-profit residences for the elderly#~~.

The Commission may prescribe appropriate conditions and safeguards to enhance the character and purposes of the project.

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74-90

USE AND BULK MODIFICATIONS FOR CERTAIN COMMUNITY FACILITY USES

~~In all #Residence# and #Commercial Districts# except C7 and C8 Districts, which are in the Community Districts within which, pursuant to Section 22-42 (Certification of Certain Community Facility Uses), nursing homes and health-related facilities are not permitted as of right, the City Planning Commission may permit the #development#, #extension# or #enlargement# or change of #use# involving such nursing homes and health-related facilities where such #uses# are not permitted as of right, provided that the Commission finds:~~

Commented [DCP5]: Replacing current special permit with a new permit applicable to R1 and R2 districts in 74-901.

- (a) ~~that the architectural landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography of the surrounding area;~~

- (b) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic;
- (d) that the disadvantages to the community imposed by the concentration of these facilities in the Community District are outweighed by the benefits derived from the proposed #use#; and
- (e) that in R1 and R2 Districts, such facilities are not proprietary nursing homes, proprietary health related facilities or proprietary domiciliary care facilities for adults.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

Where such #use# is authorized by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Sections 74-901 or 74-902.

Special permits granted by the Commission under Sections 74-901 or 74-902 on or before January 10, 1974, shall not require further approval or action pursuant to this Section or Sections 22-42 or 32-45.

In the event amendment CP 22490 is not held invalid by the courts, it shall be effective insofar as limiting vested rights is concerned but shall be superseded in all other respects by amendments CP 22490(A) and CP 22566.

74-901

Long-Term Care Facilities in R1 and R2 Districts and certain Commercial Districts

Pursuant to Section 22-22, the City Planning Commission may permit #long-term care facilities# in R1 and R2 districts, and in C1 and C2 districts mapped within such #Residence Districts#, provided that the following findings are made:

- (a) that such #use# is compatible with the character or the future use or development of the surrounding area;
- (b) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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

Where such #use# is authorized by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902.

Commented [DCP6]: New CPC special permit to allow long-term care facilities in R1 and R2 districts as described in 22-00.

74-901-74-902

Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#, #extension# or #enlargement# or change of #use# involving any #community facility uses# permitted as-of-right pursuant to the provisions of Section 22-13 (Use Group 3) or 22-14 (Use Group 4), or #long-term care facilities# for which a special permit has been granted pursuant to Section 74-901, other than domiciliary care facilities for adults or those for which a permit is required by the Board of Standards and Appeals pursuant to Sections 73-12 (Community Facility Uses in R1 or R2 Districts) or 73-13 (Open Uses in R1 or R2 Districts), the City Planning Commission may permit the allowable #community facility floor area ratio# and #lot coverage# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

- (a) that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;
- (b) that the architectural and landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography and the surrounding area;
- (c) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (d) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require where necessary off-street parking facilities and #accessory# off-street loading berths beyond the amount required by the district regulations.

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

74-902-74-903

Certain community facility uses in R3 to R9 Districts and certain Commercial Districts

The City Planning Commission may permit the #community facility floor area ratio# and the #community facility bulk# provisions to apply to a #development#, #extension# or #enlargement#, or change of #use# containing

Commented [DCP7]: Re-numbering.

Commented [DCP8]: Removing obsolete terms and adding in "long-term care facilities".

Commented [DCP9]: Updating existing CPC special permit applicable in R3 to R9 districts that permits a higher floor area ratio for certain community facilities to reflect changes made in Article II Chapter 4.

In addition, permitting the development of "long-term care facilities" in non-contextual zoning districts pursuant to the regulations of that chapter.

#long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as set forth in paragraph (a), provided that the findings in paragraph (b) of this Section are met.

(a) The Commission may permit:

- (1) In R3 through R9 Districts, and in C1 or C2 Districts mapped within an R3 through R9 District or #Commercial Districts# with an R3 through R9 District residential equivalent, the #community facility floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #buildings# containing philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3;
- (2) In R3A, R3X, R3-1, R4A, R4B, R4-1, and R5A Districts, and in C1 or C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, and R5A Districts, the #community facility floor area ratio# of Section 24-11 to apply to #buildings# containing #long-term care facilities#, as listed in Use Group 3;
- (3) In R3 through R5 Districts, except R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D Districts, and in C1 or C2 Districts mapped within an R3 through R5 District, except R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D Districts, the #bulk# regulations of Article II, Chapter 4, Article III, Chapter 3, or Article III, Chapter 5, as applicable, and the #community facility floor area ratio# of Section 24-11, to apply to #buildings# containing #long-term care facilities#; or
- (4) In R6 through R10 Districts without a letter suffix, and in C1 or C2 Districts mapped within an R6 through R10 District without a letter suffix or in #Commercial Districts# with an R6 through R10 District equivalent without a letter suffix, the #bulk# regulations of Article II Chapter 4, Article III, Chapter 3, or Article III, Chapter 5, as applicable, and the #community facility floor area ratio# of Section 24-11, as applicable, to apply to #buildings# containing #long-term care facilities#.

(b) In order to grant such a special permit for #community facility floor area ratio# or #community facility bulk#, as applicable, the Commission shall find that:

- (1) the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area; and
- (2) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the

character of the surrounding area.

~~In R3, R4, R5, R6, R7, R8 and R9 Districts, and in all #Commercial Districts# except C7 or C8 Districts, the City Planning Commission may permit the allowable #community facility floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to any #development#, #extension# or #enlargement#, or change of #use# involving nursing homes, health related facilities, sanitariums or philanthropic or non-profit institutions as listed in Use Group 3, each of which have secured certification by the appropriate governmental agency; and in R3, R4, R5, R6 and R7 Districts, and in #Commercial Districts# with the equivalent #residential floor area ratio#, the Commission may permit the allowable #floor area ratio# of Section 23-147 (For non-profit residences for the elderly) to apply to domiciliary homes for adults which have secured certification by the appropriate governmental agency, provided the following findings are made:~~

- ~~(a) — that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;~~
- ~~(b) — that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and~~
- ~~(c) — that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.~~

~~The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.~~

~~To minimize traffic congestion in the area, the Commission may require, where necessary, off street parking facilities and #accessory# off street loading berths beyond the amount required by the district regulations.~~

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

74-903

Special permits for domiciliary care facilities for adults

In all #Residence# and #Commercial Districts#, except C7 and C8 Districts, the City Planning Commission may permit the #development#, #extension# or #enlargement#, or change of #use# involving domiciliary care facilities for adults, provided that the Commission finds:

- (a) — that there is a program for residents including a maintenance and security plan for the facility;
- (b) — that there is a plan designating #open space# recreation areas for the use of the residents of the facility;

Commented [DCP10]: Removing special permit for obsolete use.

~~(c) that the architectural landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography of the surrounding area;~~

~~(d) that the proposed facilities will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;~~

~~(e) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic; and~~

~~(f) that in R1 and R2 Districts, such facilities are not proprietary domiciliary care facilities for adults.~~

~~The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.~~

~~Where such #use# is authorized by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).~~

74-91 Modification of Public Plazas

In all districts, the City Planning Commission may permit modification of the provisions of Section 37-70 (PUBLIC PLAZAS) affecting the eligibility of #public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections 23-15 (Maximum Floor Area Ratio in R10 Districts Open Space and Floor Area Regulations in R6 through R10 Districts), 24-14 or 33-13 (Floor Area Bonus for a Public Plaza).

Commented [DCP11]: Updating cross reference.

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #public plaza# will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #public plazas# to surrounding #buildings# and open areas.

* * *

END