

Fact Sheet

Applications for New Buildings and Additions with Occupiable Space: Zoning Compliance

LPC's Preservation Department reviews applications for constructing new buildings and rear yard or rooftop additions that include occupiable space. In conjunction with meeting other Rule criteria, LPC requires that the applicant for these types of additions or new buildings confirm that the project is as-of-right for bulk, massing, floor area ratio (FAR), and height under the Zoning Resolution.

Previously, LPC required applicants to submit a Department of Buildings ("DOB") objection sheet that was clean of all zoning objections. Applicants can still opt to provide this documentation, but to streamline the LPC review process and facilitate coordination between agencies, LPC is providing a second path for design professionals, on behalf of their clients, to affirm that projects comply with the Zoning Resolution.

There are **TWO** ways to satisfy this requirement:

1. Applicants may continue to submit a DOB objection sheet that is clean of all zoning objections.
2. In lieu of a clean DOB objection sheet, **both** of the following documents must be submitted:
 - **Zoning statement.** The zoning statement is a form prepared by LPC and made available on our [website](#). It allows the design professional to assert that the proposed new building or addition is as-of-right for bulk, massing, and height pursuant to the Zoning Resolution and attest that they are submitting the same zoning diagram and filing drawings to DOB. A fillable zoning statement form can be found in Figure 3 of this document and must be completed and signed and sealed by the design professional of record (e.g., registered architect or licensed engineer).
 - **Zoning diagram.** The zoning diagram(s) is a filing a drawing, identified as Z or ZD-1 sheets in the title block, to be reviewed by DOB. It identifies and graphically summarizes the proposed zoning, bulk, yards, and street. The zoning diagram sheets must be signed and sealed by the design professional of record.

Why is LPC changing its policy?

This policy adjustment is part of a larger New York City interagency initiative seeking to reduce regulatory burdens and streamline the building permitting process. The Commission's intent with this new policy is to reduce delays for applicants seeking to construct occupiable additions while still providing assurances that proposals comply with the Zoning Resolution.

What does LPC consider to be occupiable space?

As LPC defines it, occupiable space means that the addition includes rooms or enclosures and accessory installations that are intended for human occupancy.

What if I don't know what information to include on a zoning diagram?

More information about the zoning diagram is available in the DOB's [Zoning Diagram Guide](#). You can also find examples of a zoning diagram and a zoning analysis table in Figures 1 and 2 at the end of this fact sheet.

Regardless of which option an applicant chooses, the required documents must be received and verified by LPC prior to scheduling the application for a public hearing (for Commission level applications) or issuing a permit (for staff level applications). These items may also be required for any post-approval amendments that involve changes to previously approved new buildings or additions.

When a zoning diagram and zoning statement form are NOT required:

These application requirements apply only for additions with occupiable spaces that count towards the buildings floor area ratio (FAR). There are certain types of additions for which a zoning diagram and zoning statement form or DOB objections sheet may not be required, including:

- stair or elevator bulkheads
- below-grade additions
- mechanical bulkheads and enclosures

To avoid delays during LPC review, the design professional should confirm and explain in writing that the addition does not count towards the building's FAR, citing code sections as applicable.

Projects, such as additions or new buildings, that require an action or special permit from the Board of Standards and Appeals (BSA) or the City Planning Commission (CPC) may not require submittal of a zoning diagram and zoning statement form depending on the exemptions being sought. Applicants should provide additional details regarding the variances or special permits that are being pursued and work with LPC to verify the submittal requirements for these projects.

Figure 1: Example of a ZD1 diagram

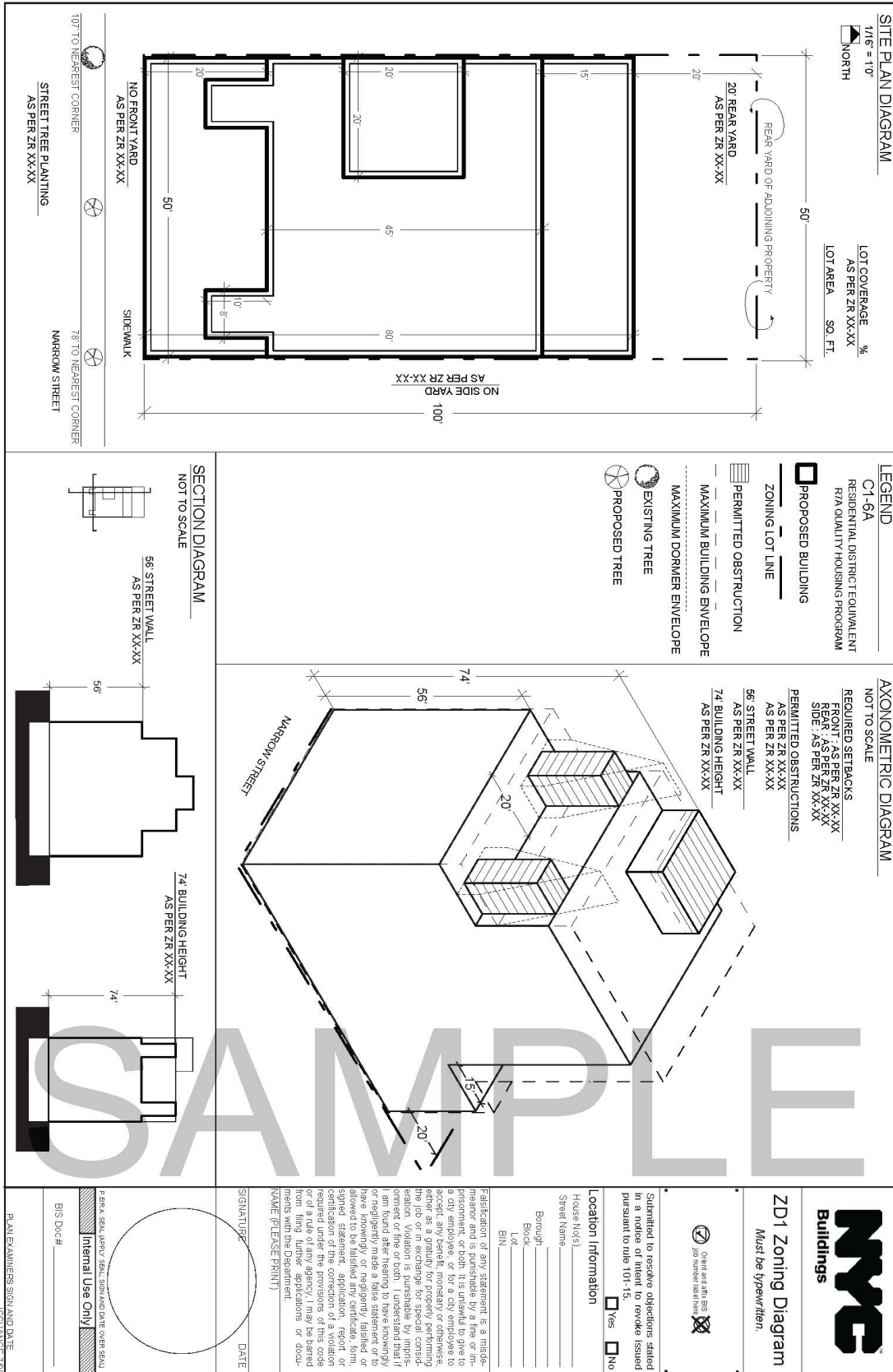


Figure 2: Example of a zoning analysis table

Proposed Zoning Analysis				
ZR	Item	Permitted / Required	Existing / Proposed	Complies?
22-10	Use groups	Use Group 2, 3, 4	Use Group 2 - Residential Two-Family Dwelling	Yes
23-011	Quality housing program	Required: buildings in R7B shall comply with the Quality Housing Regulations for bulk, set forth in Chapter 2	Proposed: Building complies with the quality housing regulations for bulk set forth in chapter 2	Yes
23-03	Street Tree Planting in Residence Districts	Developments that increase floor area on a zoning lot by 20% or more shall provide street trees	Exempt: project not located in special district per ZR 23-03 and not enlarged more than 20%	Yes
23-153	Maximum floor area ratio	Permitted: 3.0 FAR 1,900 sf x 3.0 = 5,700 sf max	Proposed: 2.10 FAR 3,992 sf / 5,700 sf = 2.10	Yes
	Maximum lot coverage	Permitted: 65%	Proposed: 58% (1,111 sf / 1,900 sf = 58%)	Yes
23-22	Maximum number of dwelling units	Permitted: 5,700 sf / 680 du factor= 8 dwelling units	Existing: 2 dwelling units Proposed: 1 dwelling unit	Yes
23-32	Minimum lot area	Required: 1,700 sf minimum	Existing 1,900 sf	Yes
	Minimum lot width	Required: 18'-0" minimum	Existing: 19'-0"	Yes
23-44	Permitted obstructions	Permitted: per code section	Proposed: none	Yes
23-45	Front yards	Required: none	Existing: 8'-4 3/4" to remain. See Plot Plan T-100	Yes
23-482	Side yards	Required: none	Proposed: none	Yes
23-47	Rear yard	Required: 30'-0"	Proposed: 30'-10 3/4" > 30'-0"	Yes
23-661	Street wall location (23-661(b)(2))	Required: On zoning lots with less than 50 feet of frontage along a street line, the street wall shall be located no closer to the street line than the closest street wall, or portion thereof, nor further from the street line than the furthest street wall, or portion thereof. Where such existing adjacent building, or portion thereof, has street walls located at varying depths, the street wall shall not be located closer to the street line than the furthest portion of such existing adjacent street wall that is at least five feet in width.	No work proposed at the street facade. Existing street wall and it's furthest projection (three-sided bay) is aligned with the adjacent buildings and their street walls and furthest projections (three-sided bays) on both sides.	Yes
23-662	Minimum base height	Permitted: 40'-0"	Existing: 40'- 3/8". See height & setback diagram	
	Maximum base height	Permitted: 65'-0"	Existing: 40'- 3/8". See height & setback diagram	Yes
	Maximum building height	Permitted: 75'-0"	n/a	Yes
23-80	Court regulations	n/a	n/a	n/a
23-86	Minimum distance between legally required windows and walls or lot lines	The minimum distance between a legally required window and a rear lot line is 30ft	Proposed: 30'-10 3/4" > 30'-0" at Rear Yard	Yes
25-80	Bicycle Parking	1 Enclosed Bicycle Parking Space shall be provided per 2 Dwelling Units in a Use Group 2 Building	Proposed: 1 Bicycle Parking Space- see T.001.00	Yes
25-261	Waiver of requirements for small number of spaces	Permitted: parking requirements of 25-241 may be waived if 5 or fewer spaces are required	Proposed: none- requirement is waived	Yes
28-00	Quality housing requirements	Developments in R7B districts are required to comply with the quality housing program standards		
28-11	Elevated ground floor units	Up to 100 sf of floor area may be excluded from the definition of floor area for each foot of difference between the floor level of such dwelling units and the curb level. No more than a maximum of 500 sf may be excluded from the definition of floor area for each building	n/a	n/a
28-12	Refuse storage and disposal	In developments with 9 or more units, there shall be a storage or refuse room of not less than 12 sf with no dimension less than 3 ft on each story that has entrances to dwelling units	n/a - 1 dwelling unit is proposed	n/a
28-13	Laundry facilities	If the building provides laundry facilities meeting the requirements of 28-13, then that portion of the room shall be excluded from the definition of floor area	n/a - no common laundry facilities are provided	n/a
28-14	Daylight in corridors	50% of the square footage of a corridor may be excluded from the definition of floor area if a window with a clear, non-tinted, glazed area of at least 20 sf is provided in such corridor. Such window must meet the requirements of 28-14	n/a - no windows are provided in corridors	n/a
28-21	Required recreation space	All developments with 9 or more dwelling units shall provide at least the minimum amount of recreation space as set forth in the table in 28-21	n/a - 1 dwelling unit is proposed	n/a
28-22	Standards for recreation space	See 28-22	n/a - no recreational space is provided	n/a
28-23	Planting areas	The area of the zoning lot between the street line and all street walls of the building and their prolongations shall be planted at ground level...except that such plantings shall not be required at the entrances to and exits from the building	Existing Front Yard is planted see T-001.00 Site Plan	Yes

Figure 3: Zoning Statement Form

Landmark Preservationist
Landmarks Preservation Commission
1 Centre Street, 9th Floor North
New York, NY 10007

RE: LPC Docket Number (if available): ____ - _____

Address: _____

_____, NY _____

Block: _____ Lot: _____

Dear Landmarks Preservation Commission (LPC) staff,

I hereby state that I am the Design Professional of Record, and will file the above-referenced project at the Department of Buildings (DOB) with the same complete set of zoning drawings that I will submit to LPC as part of my application for a new addition or new building, and will submit those zoning drawings and a complete set of architectural drawings consistent with the LPC approval to the DOB. And that I have personally examined the application and plans and any other required documentation relating to the above-referenced proposed work and to the best of my knowledge and belief, find said work to be in compliance with the Zoning Resolution of the City of New York and all other applicable laws, rules and regulations. I further state that the proposed work is as-of-right with respect to bulk, lot coverage, height, setbacks, yards and other criteria governing size, bulk and configuration of the proposed structure and requires no reconsideration or variance from the Board of Standards and Appeals and/or no special permit or other approval from the City Planning Commission. Should the project change during the DOB review process, resulting in a change to the size, bulk and/or configuration of the proposed structure, I confirm that I will contact the Landmarks Preservation Commission (LPC) to ascertain whether I will be required to submit an application for a post-approval amendment for further review.

_____ Name

_____ Date

_____ Signature



Place signature and seal here

Falsification of any statement is a misdemeanor under Section 25-317(c) of the Administrative Code and is punishable by fine or imprisonment or both.

(12/23)