

Mayor de Blasio Presses Forward with Citywide Zoning Agenda

Mayor de Blasio's citywide zoning agenda continues to press forward. On March 17, the proposed Zoning for Coastal Flood Resiliency text amendment, which seeks to advance the design of resilient buildings, was unanimously approved by the City Planning Commission. On March 9, the mayor announced a series of new proposed citywide zoning text amendments that are intended to improve transit station accessibility, incentivize the creation of local grocery stores, and alleviate regulatory burdens for gyms and restaurants. The proposed zoning changes are expected to enter the city's public review process this spring or summer, which would put them on track to be adopted by the end of this year. A brief summary of each proposal is below. We will continue to monitor the progress of these proposals.

Zoning for Coastal Flood Resiliency

This proposal entered the public review process in October of 2020, was approved by the City Planning Commission on March 17, 2021, and will now be subject to review and approval by the City Council, which is the last step in the public review process. In addition to making permanent and updating the zoning provisions that were adopted on a temporary basis after Hurricane Sandy, which aimed to remove zoning barriers to compliance with flood-resilient construction standards, this proposal seeks to promote resilient design by expanding available zoning flexibility and incentives within the city's floodplains.

Additional information is [available here](#).

Elevate Transit: Zoning for Accessibility

In collaboration with the Metropolitan Transportation Authority (MTA) and other stakeholders, the city intends to expand zoning rules that allow the MTA to leverage private development to increase station accessibility and capacity. This proposal would require property owners of developments near stations to work with the MTA to provide station access easements for new station entrances and would expand zoning incentives for developments in high-density districts to construct station improvements that promote accessibility.

Additional information is [available here](#).

FRESH Program Updates

This proposal seeks to expand the existing Food Retail Expansion to Support Health (FRESH) program, which offers zoning incentives to encourage the creation of supermarkets in areas of the city where fresh foods can be hard to find. The current proposal seeks to expand the FRESH program to 11 more community districts (in addition to the 19 districts currently in the program). This proposal is also expected to include guidance to prevent the detrimental clustering of FRESH supermarkets, remove window installation requirements for existing buildings that are renovated to include a FRESH supermarket, and introduce a waiver of up to 10,000 square feet of retail area from parking requirements in lower-density residential districts.

Health and Fitness Text Amendment

Under current zoning, exercise gyms, licensed massage therapy facilities, martial arts studios, and spas, among other health-related businesses, are required to obtain a special permit from the city's Board of Standards and Appeals (BSA) to open. This costly process creates a high barrier to opening for operators. This proposal would allow these health and fitness facilities to open on an "as-of-right" basis, or without first obtaining a special permit from the BSA.



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Related Practice Areas

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Open Restaurants

The city's Open Restaurants program was unveiled in the summer of 2020 as a temporary measure to expand outdoor seating options. The city now seeks to make outdoor dining permanent and remove any zoning limitations that may hinder this effort.
