

**Zoning for Quality and Affordability**

**Summary of proposed changes to Article III, Chapter 4 – Bulk Regulations for Residential Buildings in Commercial Districts**

- Creates greater clarity on the applicable bulk regulations for buildings in contextual zoning districts and for buildings utilizing the Quality Housing option.
- Revises street wall provisions for Quality Housing buildings in Commercial Districts so that the commercial street wall provisions of Section 35-24 apply instead of the residential provisions of Section 23-60.
- Revises special line-up provisions for buildings on a zoning lot adjoining a residence district to better align with the dimensions of the residential transition rules in Section 23-693.
- Modifies sliver law requirement to eliminate street wall line up rules in Commercial Districts, and eliminated applicability for Quality Housing buildings providing senior or inclusionary housing.
- 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](mailto: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 III - Commercial District Regulations**

### **Chapter 4**

#### **Bulk Regulations for Residential Buildings in Commercial Districts**

#### **34-00**

##### **APPLICABILITY AND DEFINITIONS**

#### **34-01**

##### **Applicability of this Chapter**

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

However, in C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply to #residential buildings#.

In C4-4L Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for C4-4L Districts in Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall apply to #residential buildings#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens

Community Districts 1 and 2, the #conversion# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article 1, Chapter 5 (Residential Conversions within Existing Buildings), unless such #conversions# meet the requirements for new #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**34-011**

**Quality Housing Program**

(a) In C1 and C2 Districts mapped within R6 through R10 Districts ~~#Residence Districts#~~ with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with applicable #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, except as modified by Section 34-20 (EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS). In addition, #Quality Housing buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

(b) In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix or other #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix the districts listed in paragraph (a) without a letter suffix, and in C5-2, C5-3, C5-4, C5-5, C6-1, C6-1A, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the #bulk# regulations applicable to #Quality Housing buildings# set forth in paragraph (a) of this Section may, as an alternative, be applied to a #building# under the same conditions set forth in Sections 23-011 and 34-112. In addition, all #Quality Housing buildings# shall comply with Section 34-233 (Special provisions applying along district boundaries).

(c) In #Commercial Districts#, for #Quality Housing buildings#, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for Quality Housing buildings on irregular sites).

Commented [DCP1]: Revising text in the below paragraphs to clarify the applicability of Quality Housing bulk regulations for residential buildings in the specified zoning districts.

Commented [DCP2]: Adding provision noting the applicability of BSA special permit that allows modification to address irregular site conditions.

\* \* \*

**34-10  
APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS**

**34-11  
General Provisions**

\* \* \*

**34-112**

**Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table:

Districts	Applicable #Residence District#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2
C1-6A C2-6A C4-4A C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C6-3	R9
C1-8A C2-7A C6-3A	R9A
C6-3D	R9D
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10

Commented [DCP3]: Correcting an error as there are no R7 districts, only R7-1 or R7-2.

C1-9A C2-8A C4-6A C4-7A  
C5-1A C5-2A C6-4A

R10A

C6-4X

R10X

\* \* \*

**34-20**

**EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS**

\* \* \*

**34-22**

**Modification of Floor Area and Open Space Regulations**

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section 23-10 (OPEN SPACE AND FLOOR AREA REGULATIONS), inclusive, Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) and 23-15 (Maximum Floor Area Ratio in R10 Districts), and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

Commented [DCP4]: Updating cross references.

\* \* \*

**34-225**

**Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan**

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-154 and total #floor area# permitted on a #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).

\* \* \*

**34-23**

**Modifications of Yard Regulations**

\* \* \*

**34-233**

**Special provisions applying along district boundaries**

C1 C2 C3 C4 C5 C6

- (a) In the districts indicated, if a #Commercial District# boundary coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District and a #side lot line# of any adjoining #zoning lot# in such #Commercial District#, a #front yard# is required for the portion of any #residential building# on such #zoning lot# in the #Commercial District# within 25 feet of the district boundary. The depth of such #front yard# shall be equal to the required depth of a #front yard# in the adjacent #Residence District#.

**Commented [DCP5]:** Aligning street wall line-up rules along district boundaries with the transition rules of Section 23-693 to provide greater design consistency.

C1 C2 C3 C4 C5 C6

- (b) In the districts indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# with a width of at least eight feet is required for a #residential building# on a #zoning lot# within the #Commercial District#.

In addition, the provisions of paragraph (e) of Section 34-24 shall apply to such #building#.

**34-24**

**Modification of Height and Setback Regulations**

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

- (a) Application of sky exposure planes

\* \* \*

C4-2F C4-4 C4-5 C4-6 C4-7 C5 C6

- (d) Special provisions for narrow #buildings#

In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply, subject to the additional rules and exceptions therein, only to #Quality Housing buildings#. However, in such districts, the #street wall# location provisions of paragraph (4) of such Section shall not apply ~~shall not apply to #buildings or other structures#~~ except for #Quality Housing buildings#.

**Commented [DCP6]:** Updating requirement to 1) remove line-up requirement for narrow buildings in applicable commercial districts that inadvertently conflict with commercial street wall requirements; and 2) allow buildings that provide affordable housing to be developed to the applicable district's maximum height.

C1 C2 C3 C4 C5 C6

(e) Special provisions applying along district boundaries

The portion of a #Quality Housing building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the provisions of Section 23-693 (Special provisions applying adjacent to R1 through R6B Districts) requirements for R6B Districts in paragraphs (b) and (c) of Section 23-633 (Street wall location and height and setback regulations in certain districts).

Commented [DCP7]: Updating cross-references.

C1 C2 C4 C5 C6

(f) For #Quality Housing buildings#

In the districts indicated, for #buildings# utilizing the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing buildings) shall be modified by the provisions of Section 35-65.

Commented [DCP8]: Updating requirements so that applicable commercial district street wall provisions apply to Quality Housing buildings with only residential use in commercial districts (instead of residential street wall provisions). This allows for a more-consistent street wall character in the zoning district.

\* \* \*

END