

Zoning for Quality and Affordability

Summary of proposed changes to Article III, Chapter 5 – Bulk Regulations for Mixed Buildings in Commercial Districts

Overview: Article III, Chapter 5 of the Zoning Resolution establishes the bulk regulations for mixed-use buildings in commercial zoning districts. These regulations collectively govern the size and shape of such buildings. This proposal requires the applicability of Article II, Chapter 3 for such buildings, but includes some minor modifications to those requirements to be consistent with the commercial character of these districts. The proposal also permits the use of the more-flexible rules for affordable senior housing and buildings that provide affordable housing through the Inclusionary Housing program pursuant to Article II, Chapter 3. Finally, the proposal reorganizes the chapter to make it clearer for the reader. More specifically, the proposal:

- Provides greater clarity on the applicable bulk regulations for buildings in contextual zoning districts and for buildings utilizing the Quality Housing option.
- Requires that “long-term care facilities” in nearly all zoning districts utilize the bulk provisions in Article II, Chapter III (Bulk Regulations for Residential buildings in Residence Districts), and not the provisions of this chapter, except by special permit.
- Creates greater clarity on how to apply floor area regulations in mixed buildings, including those that include non-profit institutions with sleeping accommodations or “long-term care facilities”.
- Removes applicability for non-profit institutions with sleeping accommodations from a limitation on community facility floor area in mixed buildings, as this particular use is akin to residential uses.
- Modifies sliver law requirement to eliminate street wall line up rules in Commercial Districts, and eliminates applicability for Quality Housing buildings providing “affordable independent residences for seniors”, “long-term care facilities” or inclusionary housing.
- Reverses the order of a few tables to make them easier to read.
- Creates or supplements introductory language at the beginning of the height and setback section to help readers navigate the section.
- Moves many regulations from Section 35-24 to 35-65 so that the overall chapter has a clearer framework. To avoid redundancy, some of the existing text is removed and replaced with references to the Quality Housing regulations for the applicable residential equivalent in Section 23-66.
- Street wall provisions modified to clarify permitted articulation. In some districts, street wall provisions for narrow streets beyond 50 feet of a wide street are established.
- Adds references to increased permitted heights for Quality Housing buildings providing “affordable independent residences for seniors”, “long-term care facilities” or inclusionary housing to mirror the provisions in Residential Districts.

- Creates regulations to clarify rear yard requirements in mixed buildings with different requirements.
- Removes lot coverage provisions for C4-4L districts as they are no longer necessary with the proposed modifications in Article II, Chapter 3.
- 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.
- 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 III - Commercial District Regulations

Chapter 5 Bulk Regulations for Mixed Buildings in Commercial Districts

35-00 APPLICABILITY AND DEFINITIONS

35-01 Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. The #bulk# regulations of this Chapter shall also apply in any #Commercial District# where there are multiple #buildings# on a single #zoning lot# and such #zoning lot# contains a #residential use# and either a #commercial use# or a #community facility use#. 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, except for #community facility uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall not apply, and the #bulk# regulations for R3A Districts of Article II, Chapter 3, shall apply to any #building# that is used partly for #community facility use# and partly for #residential use#.

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 35-23.

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 I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #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.

35-011

Quality Housing Program

- (a) In C1 and C2 Districts mapped within R6 through R10 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, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, and the applicable provisions of Article II, Chapter 8 (Quality Housing Program). ~~any #residential# portion of a #building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the provisions of Sections 28-33 (Planting Areas) and 28-50 (PARKING FOR QUALITY HOUSING).~~ In C1 and C2 Districts mapped within R5D Districts, only those regulations of Article II, Chapter 8, as set forth in Section 28-01 (Applicability of this Chapter), shall apply.
- (b) In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix and in 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, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts,~~ the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied to the #residential# portion of a #building# under the same conditions set forth in Sections 23-011, 35-22 and 35-23, provided that:
- (1) the entire #building# complies with the #bulk# regulations for #Quality Housing buildings# ~~set forth in this Chapter in Article III, Chapter 5;~~ and
 - (2) the entire #building# complies with the applicable provisions of Article II, Chapter 8 (Quality Housing Program).
- (c) In C1 through C6 Districts, special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 35-012 (Special Provisions for Certain Community Facility Uses).
- (d) 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

Commented [DCP1]: Revising text to make the applicability of Quality Housing bulk regulations for residential buildings clearer.

Quality Housing buildings on irregular sites).

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

35-012

Special Provisions for Certain Community Facility Uses

The provisions of this Section shall apply to #zoning lots# with #mixed buildings# containing #long-term care facilities#, or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

Commented [DCP3]: Adding new section to direct readers to new provisions and clarify applicability of existing provisions for long-term care facilities and philanthropic or non-profit institutions with sleeping accommodations. Similar to the additional language in 24-013.

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, where a #long-term care facility# is authorized by the City Planning Commission pursuant to the provisions of Section 22-42, or permitted pursuant to Section 74-901, the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902.

(2) #Commercial Districts# with a residential equivalent of an R3 through R5 District

In C1 and C2 Districts mapped within and R3 through R5 Districts, except R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D districts, or in C3 or C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 pertaining to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portion thereof, containing #long-term care facilities#. However, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

Commented [DCP4]: Adding provision requiring long-term care facilities to utilize bulk regulations applicable to Affordable Independent Residences for Seniors (found in 23-00) in certain R3 through R5 districts and their commercial equivalents. The bulk regulations of this chapter would only be allowed by special permit.

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable residential #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, R5A and R5D Districts, the applicable #bulk# regulations of this Chapter shall apply to #mixed buildings# containing #long term care facilities#. The maximum #floor area ratio# for such #long-term care facilities# shall be as set forth for certain #community facility uses# in paragraphs (d) and (e) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations),, as applicable, except as permitted by the City Planning Commission pursuant to Section 74-903.

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 district

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the applicable #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, pertaining to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. However, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) are modified by Section 35-65.

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable residential #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.

Commented [DCP5]: Adding provision requiring long-term care facilities to utilize bulk regulations applicable to Affordable Independent Residences for Seniors (found in 23-00) in R6 through R10 districts. The bulk regulations of this chapter would only be allowed by special permit and only for lots in districts without letter suffixes.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

The maximum #floor area ratio# for the portion of a #mixed building# that contains a philanthropic or non-profit institution with sleeping accommodations shall be as set forth in paragraph (b) of Section 33-012 (Special Provisions for Certain Community Facility Uses).

In addition, for #buildings# in C1 or C2 Districts mapped within R6 and R7-1 Districts, except for R6A and R6B Districts, containing both #residential uses# and philanthropic or non-profit institutions with sleeping accommodations, the provisions of Section 35-311 (Maximum floor area and special provisions for mixed buildings or zoning lots containing community facility use in certain districts) shall not apply. In lieu thereof, the provisions of Section 35-31 (Maximum Floor Area Ratio) shall apply.

Commented [DCP6]: Adding provision describing the applicability of special floor area regulations for philanthropic or non-profit institutions with sleeping accommodations.

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, as modified by Section 35-65, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for #Quality Housing buildings# in Section 35-65, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

Commented [DCP7]: Adding provision to apply the Quality Housing Program to buildings containing long-term care facilities and philanthropic or non-profit institutions with sleeping accommodations, as these uses have many residential attributes.

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**35-22
Residential Bulk Regulations in C1 or C2 Districts Whose Bulk is Governed by Surrounding Residence District**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence Districts# within which such #Commercial Districts# are mapped apply to #residential# portions of #buildings#, except:

- (a) when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply; and
- (b) when such districts are mapped within R6, R7, R8, R9 or R10 Districts, the height and setback regulations of 23-66 (Height and Setback Requirements for Quality Housing Buildings) Sections 23-60 through 23-65, inclusive, shall be modified for #Quality Housing buildings# by the provisions of not apply to #Quality Housing buildings#. In lieu thereof, Section 35-24 35-65 (Height and Setback Provisions for Quality Housing Buildings Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

Commented [DCP8]: Updating various cross references.

**35-23
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

- (a) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, for #Quality Housing buildings# the height and setback regulations of 23-66 (Height and Setback Requirements for Quality Housing Buildings) Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, be modified by the provisions of Section 35-24 35-65 (Height and Setback Requirements for Quality Housing Buildings Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

Commented [DCP9]: Updating various cross references.

~~The provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall not apply in C4-2F, C4-4, C4-5, C4-6, C4-7, C5 or C6 Districts, except that such provisions shall apply to #Quality Housing buildings#.~~

In C4-2F, C4-4, C4-5, C4-6, C4-7, C5 or C6 Districts, 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.

Furthermore, in C4-2 Districts in the Borough of Staten Island, the #residential# portion of a #mixed building# and #residential buildings# on #zoning lots# subject to the provisions of this Chapter shall be subject to the #bulk# regulations for #Quality Housing buildings#.

<u>Applicable #Residence District#</u>	<u>District#</u>
R3-2	C3
R3A	C3A
R5	C4-1
R6	C4-2 C4-3 C6-1A
R7	C1-6 C2-6 C4-4 C4-5 C6-1
R8	C1-7 C4-2F C6-2
R9	C1-8 C2-7 C6-3
R10	C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

Commented [DCP10]: Reversing order of table for greater clarity.

<u>District</u>	<u>Applicable #Residence District#</u>
C3	R3-2
C3A	R3A
C4-1	R5
C4-2 C4-3 C6-1A	R6
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2

Commented [DCP11]: Correcting an error as there are no R7 districts, only R7-1 or R7-2.

C1-7 C4-2F C6-2

R8

C1-8 C2-7 C6-3

R9

C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5
C6-6 C6-7 C6-8 C6-9

R10

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 C6-4X

(b) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, the height and setback regulations of 23-66 (Height and Setback Requirements for Quality Housing Buildings) Sections 23-60 through 23-65, inclusive, shall be modified by the provisions of not apply. In lieu thereof, Section 35-24 35-65 shall apply.

Commented [DCP12]: Updating cross references.

Applicable
#Residence District#

District

Commented [DCP13]: Reversing order of table for greater clarity.

R6A	C4-2A C4-3A
R7A	C1-6A C2-6A C4-4A C4-4L C4-5A
R7D	C4-5D
R7X	C4-5X
R8A	C1-7A C4-4D C6-2A
R9A	C1-8A C2-7A C6-3A
R9D	C6-3D
R9X	C1-8X C2-7X C6-3X
R10A	C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A
R10X	C6-4X

<u>District</u>	<u>Applicable #Residence District#</u>
<u>C4-2A C4-3A</u>	<u>R6A</u>
<u>C1-6A C2-6A C4-4A C4-4L C4-5A</u>	<u>R7A</u>
<u>C4-5D</u>	<u>R7D</u>
<u>C4-5X</u>	<u>R7X</u>
<u>C1-7A C4-4D C6-2A</u>	<u>R8A</u>
<u>C1-8A C2-7A C6-3A</u>	<u>R9A</u>
<u>C6-3D</u>	<u>R9D</u>
<u>C1-8X C2-7X C6-3X</u>	<u>R9X</u>
<u>C1-9A C2-8A C4-6A C4-7A</u> <u>C5-1A C5-2A C6-4A</u>	<u>R10A</u>
<u>C6-4X</u>	<u>R10X</u>

35-24

Special Street Wall Location and Height and Setback Regulations in Certain Districts

~~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 C6-4X~~

~~In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, for all #buildings or other structures#, and for #Quality Housing buildings# in other #Commercial Districts#, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.~~

(a) ~~Permitted obstructions~~

~~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~~

Commented [DCP14]: Relocating these provisions to 35-65 to provide greater clarity and mirror changes in 23-00.

C4 5A C4 5D C4 5X C4 6A C4 7A C5 1A C5 2A C6 2A C6 3A C6 3D C6 3X C6 4A C6 4X

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (e)(1) of Section 23-621 (Permitted obstructions in certain districts):

(b) ~~Street wall location~~

Commented [DCP15]: Relocating street wall location provisions to 35-651 for greater clarity.

C1 6A C2 6A C4 2A C4 3A C4 4A C4 5A C4 5X

(1) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be located beyond eight feet of the #street line#.

Existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less.

For #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#.

Where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

C1 7A C1 8A C1 8X C1 9A C2 7A C2 7X C2 8A C4 4D C4 5D

(2) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1 or C2 Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#.

(i) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A

of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

In C1 or C2 Districts when mapped within R9D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

- (ii) — Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

Above a height of 12 feet above the #base plane#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(2)(i) of this Section.

- (iii) — Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

No #street wall# location rules shall apply along #narrow streets# beyond 50 feet of their intersection with a #wide street#.

For the purposes of applying the provisions of paragraph (b) of this Section, where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

~~C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

- (3) — In the districts indicated, and for #Quality Housing buildings# in other C4, C5 or C6 Districts with a residential equivalent of an R8, R9 or R10 District, the #street wall# location requirements shall be as set forth in paragraph (b)(2), inclusive, of this Section, except that a #street wall# with a minimum height of 12 feet shall be required on a #narrow street line# beyond 50 feet of its intersection with a #wide street#, and shall extend along such entire #narrow street# frontage of

the #zoning lot#.

In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.

In C6-3D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

C4-4L

(4) In C4-4L Districts, the #street wall# location provisions of paragraph (b)(1) of this Section shall apply along any #street# that does not contain an elevated rail line. For #zoning lots# bounded by a #street# containing an elevated rail line, the following regulations shall apply along the frontage facing the elevated rail line.

(i) A sidewalk widening shall be provided along the entire #zoning lot# frontage of such #street# containing an elevated rail line. Such sidewalk widening shall have a depth of five feet, be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk, and be accessible to the public at all times. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying all regulations of this Section, inclusive.

(ii) At least 70 percent of the #aggregate width of street walls# shall be located at the #street line# of the #street# containing the elevated rail line and extend to at least the minimum base height, or the height of the #building#, whichever is less, up to the maximum base height.

(e) ~~Setback regulations~~

~~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 C6-4X~~

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, for all #buildings#, and for #Quality Housing buildings# in other #Commercial Districts#, setbacks are required for all portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section. Such setbacks shall be provided in accordance with the following regulations:

Commented [DCP16]: Relocating setback regulations to 35-652 for greater clarity. To avoid redundancy, some existing text is removed and replaced with references to underlying provisions for residential equivalent districts in 23-00.

- (1) ~~At a height not lower than the minimum base height or higher than the maximum base height specified in Table A of this Section for #buildings# in contextual districts, and Table B for #buildings# in non-contextual districts, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.~~
- (2) ~~These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it in plan would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of paragraph (a) of this Section may penetrate a required setback area.~~
- (3) ~~In C6-3D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height not lower than 15 feet or higher than 25 feet, a setback with a depth of at least 20 feet shall be provided from any #street wall# fronting on such elevated rail line, except that such dimensions may include the depth of any permitted recesses in the #street wall# and the depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.~~
 - (i) ~~The setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#.~~
 - (ii) ~~Where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.~~
- (4) ~~In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the setback provisions of this paragraph, (c), are modified as follows:~~
 - (i) ~~a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 30 feet or three #stories#, whichever is less, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is less; and~~
 - (ii) ~~dormers shall not be a permitted obstruction within such setback distance.~~

(d) ~~Maximum #building# height~~

No #building or other structure# shall exceed the maximum #building# height specified in Table A of this Section for contextual districts, or Table B for non-contextual districts, except as provided in this paragraph, (d), inclusive.

~~C6-3D-C6-4X~~

(1) ~~In the districts indicated, any #building# or #buildings#, or portions thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 33-454) above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to paragraph (a) of this Section shall not be included in tower #lot coverage#. Such tower or towers may exceed a height limit of 85 feet above the #base plane#, provided:~~

- ~~(i) at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street#, and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;~~
- ~~(ii) the base of such tower complies with the #street wall# location provisions of paragraph (b) of this Section, and the setback provisions of paragraph (c) of this Section; and~~
- ~~(iii) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.~~

~~In C6-3D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.~~

~~In C6-3D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.~~

Commented [DCP17]: Relocating maximum building height regulations to 35-652 for greater clarity.

Commented [DCP18]: Relocating tower provisions for C6-3D and C6-4X districts to 35-653 for greater clarity. To avoid redundancy, some existing text is removed and replaced with references to underlying provisions for residential equivalent districts in 23-00.

C4 4L

- (2) — In C4 4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building# height shall be 100 feet or ten #stories#, whichever is less.

(e) — Additional regulations

Commented [DCP19]: Relocating provisions to 35-655 for greater clarity.

~~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 C6 4X~~

~~In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the following additional provisions shall apply:~~

- (1) — Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraph (b) of this Section.
- (2) — On #through lots# that extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of paragraph (b) shall be mandatory along only one #street# frontage. However, in C4 4L Districts, such #street wall# location regulations shall apply along the frontage of any #street# containing an elevated rail line.
- (3) — The #street wall# location and minimum base height provisions of paragraph (b) shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.
- (4) — The minimum base height provisions of paragraph (b) shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.
- (5) — The City Planning Commission may, upon application, authorize modifications in the required #street wall# location of a #development# or #enlargement# if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development# or #enlargement# in the manner prescribed in this Section.
- (6) — For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:

- (i) ~~The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.~~
 - (ii) ~~The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided that such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.~~
 - (ii) ~~The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.~~
- (7) ~~In C6 3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).~~
- (8) ~~For the purposes of applying the #street wall# location regulations of paragraph (b), any #building# wall oriented so that lines perpendicular to it would intersect a #street line# at an angle of 65 degrees or less shall not be considered a #street wall#.~~

TABLE A
HEIGHT AND SETBACK FOR BUILDINGS
OR OTHER STRUCTURES
IN CONTEXTUAL DISTRICTS

District ⁵	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
C1 or C2 mapped in R6B	30	40	50
C1 or C2 mapped in R6A C4 2A C4 3A	40	60	70

Commented [DCP20]: Removing existing chart and replacing with references to underlying provisions for residential equivalent districts in 23-00 to avoid redundancy.

C1 or C2 mapped in R7B	40	60	75
C1 or C2 mapped in R7A C1-6A-C2-6A-C4-4A-C4-4L-C4-5A	40	65	80
C1 or C2 mapped in R7D C4-5D	60	85	100
C1 or C2 mapped in R7X C4-5X	60	85	125
C1 or C2 mapped in R8B	55	60	75
C1 or C2 mapped in R8A C1-7A-C4-4D-C6-2A	60	85	120
C1 or C2 mapped in R8X	60	85	150
C1 or C2 mapped in R9A ² C1-8A ² -C2-7A ² -C6-3A ²	60	95	135
C1 or C2 mapped in R9A ⁺ C1-8A ⁺ -C2-7A ⁺ -C6-3A ⁺	60	102	145
C1 or C2 mapped in R9D C6-3D	60	85 ⁴	— ³
C1 or C2 mapped in R9X ² C1-8X ² -C2-7X ² -C6-3X ²	60	120	160
C1 or C2 mapped in R9X ⁺ C1-8X ⁺ -C2-7X ⁺ -C6-3X ⁺	105	120	170
C1 or C2 mapped in R10A ² C1-9A ² -C2-8A ² -C4-6A ² C4-7A ² -C5-1A ² -C5-2A ² C6-4A ²	60	125	185
C1 or C2 mapped in R10A ⁺ C1-9A ⁺ -C2-8A ⁺ -C4-6A ⁺ -C4-7A ⁺ -C5-1A ⁺ -C5-2A ⁺ -C6-4A ⁺	125	150	210
C1 or C2 mapped in R10X			

C6-4X

60

85

—³

¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#

² For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street line#

³ #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section

⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet

⁵ Where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway

Commented [DCP21]: Relocating provision to 35-655.

TABLE B
HEIGHT AND SETBACK FOR BUILDINGS
IN NON CONTEXTUAL DISTRICTS

District ³	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
C1 or C2 mapped in R6 ² C4-2 ² -C4-3 ²	30	45	55
C1 or C2 mapped in R6 ¹ -inside #Manhattan Core# C4-2 ¹ -inside #Manhattan Core# C4-3 ¹ -inside #Manhattan Core#	40	55	65

Commented [DCP22]: Removing existing chart and replacing with references to underlying provisions for residential equivalent districts in 23-00 to avoid redundancy.

C1 or C2 mapped in R6 ⁺ -outside #Manhattan Core# C4-2 ⁺ -outside #Manhattan Core# C4-3 ⁺ -outside #Manhattan Core#	40	60	70
C1 or C2 mapped in R7 ² C1 or C2 mapped in R7 ⁺ -inside #Manhattan Core# C1-6 ² -C1-6 ⁺ -inside #Manhattan Core# C2-6 ² -C2-6 ⁺ -inside #Manhattan Core# C4-4 ² -C4-4 ⁺ -inside #Manhattan Core# C4-5 ² -C4-5 ⁺ -inside #Manhattan Core# C6-1 ² -C6-1 ⁺ -inside #Manhattan Core#	40	60	75
C1 or C2 mapped in R7 ⁺ -outside #Manhattan Core# C1-6 ⁺ -outside #Manhattan Core# C2-6 ⁺ -outside #Manhattan Core# C4-4 ⁺ -outside #Manhattan Core# C4-5 ⁺ -outside #Manhattan Core# C6-1 ⁺ -outside #Manhattan Core#	40	65	80
C1 or C2 mapped in R8 ² C1-7 ² -C4-2F ² -C6-2 ²	60	80	105
C1 or C2 mapped in R8 ⁺ C1-7 ⁺ -C4-2F ⁺ -C6-2 ⁺	60	85	120
C1 or C2 mapped in R9 ² C1-8 ² -C2-7 ² -C6-3 ²	60	95	135
C1 or C2 mapped in R9 ⁺ C1-8 ⁺ -C2-7 ⁺ -C6-3 ⁺	60	102	145
C1 or C2 mapped in R10 ² C1-9 ² -C2-8 ² -C4-6 ² -C4-7 ² -C5 ² -C6-4 ² -C6-5 ² -C6-6 ² -C6-7 ² -C6-8 ² -C6-9 ²	60	125	185
C1 or C2 mapped in R10 ⁺ C1-9 ⁺ -C2-8 ⁺ -C4-6 ⁺ -C4-7 ⁺ -C5 ⁺ -C6-4 ⁺ -C6-5 ⁺ -C6-6 ⁺ -C6-7 ⁺	125	150	210

C6-8¹-C6-9¹

- ¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#
- ² For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street line#
- ³ Where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway

Commented [DCP23]: Relocating provision to 35-655.

35-30
APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

35-31
Maximum Floor Area Ratio

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

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) However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, the ~~such~~ maximum #residential floor area ratio# may be increased pursuant to the provisions of Sections 23-154 and 23-90 (INCLUSIONARY HOUSING).

Commented [DCP24]: Revising to provide greater clarity in applying the R10 provisions.

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section ~~23-154 23-952~~ for the applicable district.

Commented [DCP25]: Updating cross reference.

However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section ~~23-154 23-952~~ plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser.

Commented [DCP26]: Updating cross reference.

The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section ~~23-154 23-952~~ only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

Commented [DCP27]: Updating cross reference.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

Commented [DCP28]: Clarifying how floor area regulations apply to common spaces in buildings with uses with different floor area ratios.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

35-311 Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts

C1 C2

In C1 and C2 Districts mapped within R6 Districts without a letter suffix, except R6A and R6B Districts, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility uses# are located within the same #building#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations, as set forth in Section 35-03 (Special Provisions for Certain Community Facility Uses).

Commented [DCP29]: Removing this restriction for buildings containing philanthropic or non-profit institutions with sleeping accommodations, as they have many residential attributes.

* * *

~~35-32~~ Modification of Lot Coverage Regulations

~~In C4 4L Districts, the maximum #residential lot coverage# provisions of Sections 23-145 (For Quality Housing buildings) and 23-147 (For non-profit residences for the elderly) are modified, as follows:~~

Commented [DCP30]: Removing provision as proposal for corner lot coverages makes it redundant.

~~(a) for #through lots# with a maximum depth of 180 feet or less, the maximum #residential lot coverage# shall be 80 percent; and~~

(b) ~~corner lots# shall not be subject to a maximum residential lot coverage# where such corner lots# are:~~

(1) ~~5,000 square feet or less in area; or~~

(2) ~~7,500 square feet or less in area and bounded by street lines# that intersect to form an angle of less than 65 degrees, where one such street# contains an elevated rail line.~~

* * *

35-35

Floor Area Bonus for a Public Plaza or Arcade

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

In the districts indicated, and in C1 and C2 Districts mapped within R9 or R10 Districts, floor area# bonus provisions for public plazas# and arcades# shall apply as set forth in this Section. Any floor area# bonus for a public plaza# or arcade# permitted under the applicable district regulations for any residential#, commercial# or community facility# portion of a building# may be applied, provided that any given public plaza# or arcade# shall be counted only once in determining a bonus.

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A

(a) Prohibition of public plaza# and arcade# bonuses

* * *

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

(c) In the districts indicated, except C6-4X Districts, if more than 50 percent of the floor area# on the zoning lot# is occupied by residential uses#, then for each square foot of public plaza# provided in accordance with Section 37-70, inclusive, the total floor area# permitted on that zoning lot# under the provision of Section 23-152 (Basic regulations for R10 Districts) 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

Commented [DCP31]: Updating cross references.

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

(d) In the districts indicated, if 50 percent or less of the floor area# on the zoning lot# is occupied by residential uses#, then the provisions of Sections 33-13 and 33-14 shall apply.

C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9

(e) In the districts indicated, the provisions of Sections 33-13 and 33-14 shall apply.

C6-4X

- (f) In the district indicated, if all #dwelling units# in the #building# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

* * *

**35-40
APPLICABILITY OF DENSITY REGULATIONS**

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# or #rooming units# on a #zoning lot# shall equal the maximum #residential floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

Commented [DCP32]: Removing obsolete term.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of density regulations to #mixed buildings#.

* * *

For a #mixed building# in a C4-6 District #developed# with a #public plaza# where less than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, the maximum permitted #commercial# FAR is 4.08 (3.4 plus a 20 percent increase for a #public plaza#), the maximum permitted #community facility# FAR is 12.0 (10.0 plus a 20 percent increase for a #public plaza#), and the maximum permitted #residential# FAR is 10.0, provided the total FAR for all #uses# on the #zoning lot# does not exceed 12.0, pursuant to Section 35-30. On a 20,000 square foot #zoning lot developed# with 7.0 FAR of #community facility use# and no #commercial use#, the maximum #residential floor area ratio# permitted on such #zoning lot# is 5.0. The maximum number of #dwelling units# permitted on the #zoning lot# is ~~147~~ 126 (20,000 x 5 divided by a factor of ~~680~~ 790, pursuant to Section 23-22).

Commented [DCP33]: Updating density factor to mirror changes in 23-00 for R8 to R10 districts.

**35-50
MODIFICATION OF YARD REGULATIONS**

In #mixed buildings# with differing #yard# or #rear yard equivalent# requirements for different #uses#, the applicable #residential yard# and #rear yard equivalent# regulations shall apply at the lowest #story# containing

#dwelling units# with windows facing onto such #residential yard# or #rear yard equivalent#, as applicable.

Commented [DCP34]: Clarifying requirements for mixed buildings with different yard requirements.

35-51
Modification of Front Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required, except that the provisions of paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) shall apply to portions of a #zoning lot# within 25 feet of a #Commercial District# boundary which coincides with a #side lot line# of a #zoning lot# in an R1 through R5 District when #residential uses# are located on the first #story# of a #building#.

Commented [DCP35]: Aligning street wall line-up rules along district boundaries with the transition rules of Section 23-693.

* * *

35-60
MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

35-61
Height and Setback Regulations
Applicability

C1 C2 C3 C4 C5 C6

In the districts indicated, height and setback regulations are modified for #mixed buildings# in 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62.

Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable.

In C1 or C2 Districts mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, 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, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in Sections 23-62 (Permitted Obstructions) and 23-66 (Height and Setback Requirements for Quality Housing Buildings), as modified by Section 35-65. In C1 or C2 Districts mapped in R6 through R10 Districts without a letter suffix, or in other #Commercial Districts# with a residential equivalent of an R6 through

Commented [DCP36]: Relocating from 35-24 with additional text included to clarify applicability.

R10 District, the #residential# portion of a #building# may be #developed# or #enlarged# pursuant to the basic height and setback requirements of Sections 23-62, 23-64 (Basic Height and Setback Requirements) or 23-65 (Tower Regulations), as modified by Sections 35-63 and 35-64, as applicable, or the entire #building# may #developed# or #enlarged# pursuant to the #bulk# regulations for #Quality Housing buildings#. All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8, as applicable.

~~In the districts indicated, height and setback regulations are modified as follows:~~

- (a) ~~Except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements), no #front yard# is required for any portion of a #building# in a #Commercial District#. Therefore, in applying the height and setback regulations, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#.~~
- (b) ~~In cases where the provisions of Section 34-233, paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#.~~
- (c) ~~In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be applied.~~
- (d) ~~In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be applied.~~
- (e) ~~In C3A Districts, the height and setback regulations applicable to R3A Districts shall apply.~~
- (f) ~~In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 23-64 (Alternate Front Setbacks) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#.~~

Commented [DCP37]: Relocating provisions to 35-62 with updated cross references.

35-62

Maximum Height of Front Wall in Initial Setback Distance Commercial Districts with an R1 through R5 Residential Equivalent

C1 C2 C3 C4 ~~C5~~ C6

~~In the districts indicated, except in C1 or C2 Districts mapped within R2A, R2X, R3, R4 or R5 Districts and except in C3A Districts, the maximum height of a front wall within the #initial setback distance# shall be the maximum height of a front wall permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height.~~

~~In C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts, height and setback regulations are modified as follows:~~

Commented [DCP38]: Combining existing provisions from 35-61 and 35-62 into this updated section for R1 through R5 districts.

- (a) No #front yard# is required for any portion of a #building# in a #Commercial District#, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements). Therefore, in applying the height and setback regulations in districts where the height of #buildings or other structures# is governed by #sky exposure planes#, such #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. The maximum height of a front wall within the #initial setback distance# permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height;
- (b) In cases where the provisions of Section 34-233, paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#;
- (c) In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be applied;
- (d) In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be applied; and
- (e) In C3A Districts, the height and setback regulations applicable to R3A Districts shall apply.

35-63
Basic Height and Setback Modifications

C1 C2 C4 C5 C6

In C1 or C2 Districts mapped within R6 through R10 District without a letter suffix, and in #Commercial Districts# with a residential equivalent of R6 through R10 without a letter suffix, height and setback regulations are modified as follows:

- (a) No #front yard# is required for any portion of a #building# in a #Commercial District#, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements). Therefore, in applying the height and setback regulations in districts where the height of #buildings or other structures# is governed by #sky exposure planes#, such #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. The maximum height of a front wall within the #initial setback distance# shall be the maximum height for front walls permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height;
- (b) In cases where the provisions of Section 34-233, paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#; and
- (c) In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 23-642 (Alternate Front Setbacks) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#.

Commented [DCP39]: Combining existing provisions from 35-61 and 35-62 into this updated section for R6 through R10 districts.

Commented [DCP40]: Updating cross reference.

35-63-35-64

Special Tower Regulations for Mixed Buildings

C1 C2 C4 C5 C6

In the districts indicated without a letter suffix, when a #mixed building# is subject to tower regulations, the #residential# tower regulations of paragraphs (a) and (b) or the #commercial# tower regulations of paragraph (c) of this Section shall apply to the entire #building#.

* * *

(c) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the tower regulations applicable to any #mixed building# shall be the regulations set forth in Section 33-45.

However, in C4-7, C5-2, C5-4, C6-4, C6-5 or C6-8 Districts, when no more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations applicable to the #residential# portion of such #mixed building# may be governed by Section 23-652 (Standard tower regulations) or, for towers on small lots, the percentages set forth in Section 23-65 (Tower Regulations).

All #uses# within such #mixed building# shall comply with the provisions of Section 32-42.

~~The tower regulations shall not apply in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, or in C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts.~~

Commented [DCP41]: Re-numbering.

35-65

Height and Setback Requirements for Quality Housing Buildings

C1 C2 C4 C5 C6

In the districts indicated, the #street wall# location provisions of Sections 35-651 and the height and setback provisions of Section 35-652, shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 35-652 may be increased pursuant to either the provisions of Section 35-653 (Tower regulations) or 35-654 (Enhanced height and setback regulations for certain buildings), as applicable. Additional provisions are set forth in Section 35-655. The height of all #buildings or other structures# shall be measured from the #base plane#.

In all such districts, the permitted obstructions provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

Commented [DCP42]: Removing redundant provisions to avoid confusion. As stated in 35-22 and -23, for contextual districts, the Quality Housing bulk provisions of 35-65 shall apply.

Commented [DCP43]: Relocating Quality Housing regulations from 35-24 to this new section for greater clarity.

35-651

Street wall location

In the districts indicated, the #street wall# location provisions of paragraphs (a), (b) or (c) of this Section shall apply to all #Quality Housing buildings#, as applicable. Additional articulation provisions are set forth in paragraph (d) of this Section.

~~C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5X~~

- (a) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Section 35-652 and 23-662, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

Existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less.

For #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#.

Where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

Any #street wall# may be divided into different segments, and located at varying depths, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, so long as each portion complies with the #street wall# location provision of this paragraph (a).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (e) of this Section.

~~C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X~~

- (b) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1, C2, C4, C5 or C6

Commented [DCP44]: Relocating provisions from 35-24(b)(1) with limited edits for greater clarity.

Commented [DCP45]: Clarifying permitted street wall articulation in Quality Housing buildings in the applicable districts.

Commented [DCP46]: Relocating provisions from 35-24(b)(2) with limited edits for greater clarity.

Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#.

- (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652 and 23-662, or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection, or, for #corner lots# with an angle of 75 degrees or less, at points 30 feet from their intersection.

In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.

- (2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is less, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.
- (3) Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

Any #street wall# may be divided into different segments, and located at varying depths, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, so long as each portion complies with the #street wall# location provision of this paragraph (b).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (e) of this Section.

C4-4L

- (c) In C4-4L Districts, the #street wall# location provisions of paragraph (a) of this Section shall apply along any #street# that does not contain an elevated rail line. For #zoning lots# bounded by a #street# containing an elevated rail line, the following regulations shall apply along the frontage facing the elevated rail line.

Commented [DCP47]: Adding new requirement for street walls on narrow street portions where currently none are required to promote better building form.

Commented [DCP48]: Clarifying permitted street wall articulation in Quality Housing buildings in the applicable districts.

Commented [DCP49]: Relocating from 35-24(b)(4) with limited edits for greater clarity.

(1) A sidewalk widening shall be provided along the entire #zoning lot# frontage of such #street# containing an elevated rail line. Such sidewalk widening shall have a depth of five feet, be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk, and be accessible to the public at all times. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying all regulations of this Section, inclusive.

(2) At least 70 percent of the #aggregate width of street walls# shall be located at the #street line# of the #street# containing the elevated rail line and extend to at least the minimum base height, or the height of the #building#, whichever is less, up to the maximum base height.

Any #street wall# may be divided into different segments, and located at varying depths, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, so long as each portion complies with the #street wall# location provision of this paragraph (c).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (e) of this Section.

C6-3D

(d) In the districts indicated, and in C1 or C2 Districts when mapped within R9D Districts, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. In addition, the provisions of paragraphs (f)(2) through (f)(5) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply.

The following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#.

(1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a

Commented [DCP50]: Clarifying permitted street wall articulation in Quality Housing buildings in the applicable districts.

Commented [DCP51]: Relocating from 35-24(b)(3) with limited edits for greater clarity.

maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

- (2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is less, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.
- (3) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

Any #street wall# may be divided into different segments, and located at varying depths, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, so long as each portion complies with the #street wall# location provision of this paragraph (d).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (e) of this Section.

C1 C2 C4 C5 C6

- (e) #Street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of twelve inches, or extends beyond the #street line#. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular from the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

35-652

Maximum height of buildings and setback regulations

C1 C2 C4 C5 C6

In the districts indicated, a #Quality Housing buildings or other structure# shall not exceed the district height limit, or the maximum number of permitted #stories#, whichever is lower, specified in the Table in Section 23-

Commented [DCP52]: Adding new requirement for street walls on narrow street portions where currently none are required to promote better building form.

Commented [DCP53]: Clarifying permitted street wall articulation in Quality Housing buildings in the applicable districts.

Commented [DCP54]: Adding new provision that stipulates the permitted street wall articulation in Quality Housing buildings in the applicable districts.

Commented [DCP55]: Moved from 35-24 (c) and to avoid redundancy, some existing provisions removed and replaced with references to underlying provisions for residential equivalent districts.

662 (Maximum height of buildings and setback regulations) for the #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts), except as modified in paragraph (b) below or as further provided in this Chapter. Separate maximum #building# heights are set forth within such Table for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the applicable residential equivalent in such Table in Section 23-662, and shall be provided in accordance with the regulations set forth in Section 23-662 for the applicable #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent, except as modified in paragraph (a) below.

(a) Setback modifications

- (1) In C6-3D Districts, the provisions for R9D Districts set forth in 23-662 shall apply, except that:
 - (i) The setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#; and
 - (ii) Where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.
- (2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the following shall apply:
 - (i) a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 25 feet or two #stories#, whichever is less, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is less; and
 - (ii) dormers shall not be a permitted obstruction within such setback distance.

Commented [DCP56]: Updating dimensional requirement to reflect proposal for comparable contextual districts.

(b) Maximum height modifications

- (1) In C6-3D and C6-4X Districts, the maximum base heights for the applicable residential equivalents may be exceeded in accordance with the tower regulations of Section 35-653 (Tower regulations).

Commented [DCP57]: Adding provision to clarify existing regulations in these zoning districts.

- (2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building# height for a #building# with a #qualifying ground floor# shall be 105 feet or ten #stories#, whichever is less. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 100 feet.

Commented [DCP58]: Updating dimensional requirement to reflect proposal for comparable contextual district.

35-653

Tower regulations

C6-3D C6-4X

In the districts indicated, any #building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be included in tower coverage. Such tower may exceed a height limit of 85 feet above the #base plane# provided the base of such tower complies with the applicable provisions of Section 32-241 (Street wall location) and this Section, and provided that the tower portion complies with the provisions of paragraphs (a), (b) and (c) of Section 23-663 (Tower regulations).

Commented [DCP59]: Relocating from 35-24(d) with limited edits for greater clarity.

35-654

Modified height and setback regulations for certain buildings

C1 C2 C4 C5 C6

In the districts indicated, for #development# or #enlargements# of #Quality Housing buildings# on #zoning lots# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#, the provisions of this Section shall apply.

Commented [DCP60]: Adding provision to reflect proposal for higher maximum heights for buildings that provide "affordable independent residences for seniors", "long-term care facilities", or participate in the inclusionary housing program.

For all such #Quality Housing buildings#, the maximum base and #building# heights established in Sections 35-652 (Maximum height of buildings and setback regulations) and 23-662 shall be modified in accordance with the Table in paragraph (a) of Section 23-664 for the #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). Separate maximum #building# heights are set forth within such Table for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

However, for C4-4L Districts, the maximum #building height# shall be increased to 115 feet for #buildings# with #qualifying ground floors#, or eleven #stories#, whichever is less for #buildings# with #non-qualifying ground floors#. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 110 feet.

For such #Quality Housing buildings# containing #affordable independent residences for seniors# in C1 or C2 districts mapped within R6 through R8 districts without a letter suffix or in other #Commercial Districts# with a residential equivalent of an R6 through R8 district without a suffix, the #street wall# location and height and

setback provisions of 35-651 and 35-652 need not apply to #buildings# on #zoning lots# that are located within 150 feet of: an elevated rail line; an open railroad right of way; a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land; or an elevated #street# located on a bridge that prohibits direct vehicular access. Such 150 foot measurement shall be measured perpendicular from the edge of such infrastructure. In lieu thereof, the alternative height and setback regulations set forth in paragraph (b) of Section 23-664 shall apply.

35-655

Additional regulations

C1 C2 C4 C5 C6

Commented [DCP61]: Relocating provisions from 35-24(e) with limited edits for greater clarity.

In the districts indicated, for #Quality Housing buildings#, the following additional provisions shall apply:

- (a) Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location requirements of Section 35-651.
- (b) On #through lots# that extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section 35-651 shall be mandatory along only one #street# frontage. However, in C4-4L Districts, such #street wall# location regulations shall apply along the frontage of any #street# containing an elevated rail line.
- (c) The #street wall# location and minimum base height provisions of Sections 35-651 and 35-652, respectively, shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.
- (d) The minimum base height provisions of Section 35-652 shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.
- (e) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location of a #development# or #enlargement# if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development# or #enlargement# in the manner prescribed in this Section.
- (f) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:
 - (1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of Section 35-652, or as modified in any

applicable Special District.

- (2) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of Section 35-652, provided that such height not exceed 150 feet and provided that such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.
- (3) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of Section 35-651, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.
- (g) In C6-3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).
- (h) For the purposes of applying the #street wall# location regulations of paragraph (b), any #building# wall oriented so that lines perpendicular to it would intersect a #street line# at an angle of 65 degrees or less shall not be considered a #street wall#.
- (i) For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 35-651 and 35-652, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

* * *

END

Commented [DCP62]: Relocating provision from footnote in existing table in 35-24 to provide greater clarity.