Article III: Commercial District Regulations
Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

Effective date of most recently amended section of Article III Chapter 5: 3/22/18

Correction: 35-40, 35-61, 35-653

Date of file creation: Web version of Article III Chapter 5: 10/3/18

Zoning Disclaimer - the Web version of the Zoning Resolution of the City of New York is provided for reference and the convenience of having the Resolution in an online format. Recent amendments to the Zoning Resolution also appear on the Web prior to being incorporated into the print version of the Resolution.
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 VII, IX, X, XI, XII, XIII and XIV.

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.

(3/22/16)

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). 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 bulk regulations applicable to Quality Housing buildings may, as an alternative, be applied 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; 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 in which at least 50 percent of the dwelling units are income-restricted housing units, or at least 50 percent of its total floor area is a long-term care facility or philanthropic or non-profit institution with sleeping accommodation, 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 certain Quality Housing buildings on irregular sites).

(3/22/16)

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.

(a) Buildings containing long-term care facilities

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

In C1 or C2 Districts mapped within R1 or R2 Districts, where a long-term care facility is permitted pursuant to Section 74-901 (Long-term care facilities), 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 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).
(2) #Commercial Districts# with a residential equivalent of an R3 through R5 District

In C1 or C2 Districts mapped within R3-2 Districts, or within R4 or R5 Districts without a letter or number suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) the #lot coverage# provisions of 23-144 shall not apply;

(ii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;

(iii) the #yard# regulations of Sections 33-20 and 33-30 shall apply in lieu of Sections 23-40 and 23-50;

(iv) in C1 or C2 Districts mapped within R3-2 Districts or in C3 Districts without a letter suffix, the height and setback provisions of Section 33-40 shall apply in lieu of Section 23-60; and

(v) in C1 or C2 Districts mapped within R5 Districts or in C4-1 Districts, the provisions of paragraph (j)(2) of Section 23-631 shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.

In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit provisions of Section 74-903 (Certain community facility uses in R3 through R9 Districts and certain Commercial Districts).

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 R3-1, R3A, R3X, R4-
1, R4A, R4B, R5A, R5B or R5D Districts, or in C3A 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, as applicable, except as permitted by the 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 #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;

(ii) in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6;

(iii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;

(iv) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified by Section 35-532 (Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors); and

(v) the provisions of Section 23-66 (Height and
Setback Requirements for Quality Housing
Buildings) shall be 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
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
Commission may permit the #bulk# regulations of this
Chapter to apply to such #long-term care facilities#
pursuant to the special permit provisions of Section
74-903.

(4) Applicability of #affordable independent residences for
seniors bulk# provisions

Where #buildings# containing #long-term care
facilities# are required to utilize the #bulk#
provisions applicable to #affordable independent
residences for seniors#, such #uses# shall be
considered #residential# for the purpose of applying
such provisions, and the term #dwelling unit# shall
include #dwelling units# and “rooming units”, as set
forth in the Housing Maintenance Code.

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

The provisions of Article III, Chapter 3 and this Chapter
shall apply to #mixed buildings# containing philanthropic or
non-profit institutions with sleeping accommodations. In
addition, the following special #bulk# provisions apply:

(1) Special #floor area ratio# provisions for the portion
of a #mixed building# that contains a philanthropic or
non-profit institution with sleeping accommodations are
set forth in paragraph (b) of Section 33-012 (Special
provisions for certain community facility uses).

(2) 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 with multiple buildings 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.

(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 (Height and Setback Requirements for Quality Housing Buildings), 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).

(11/19/87)

35-02 Definitions

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

(2/2/11)

35-10 GENERAL PROVISIONS

Except as otherwise provided in this Chapter, the portions of a building used for residential use are subject to the bulk regulations set forth in Article II, Chapter 3, and the portions of a building used for commercial or community facility use are subject to the bulk regulations set forth in Article III, Chapter 3.

Special provisions applying to mixed buildings or zoning lots with multiple buildings subject to the provisions of this Chapter are set forth in Sections 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), inclusive, 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive, 35-40 (APPLICABILITY OF DENSITY REGULATIONS),
In the districts indicated, the #bulk# regulations set forth in Article II, Chapter 3 shall apply to all #residential# portions of #buildings# in accordance with the provisions and modifications set forth in the remaining Sections of this Chapter. The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

(a) when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply;

(b) when such districts are mapped within an R5D District, the supplemental provisions of paragraph (b)(2) of Section 35-652 shall apply to the ground floor level of a #building# providing a #qualifying ground floor# in lieu of paragraph (b)(2) of Section 23-662; and
(c) when such districts are mapped within R6, R7, R8, R9 or R10 Districts, the height and setback regulations of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings), shall be modified by the provisions of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) for #Quality Housing buildings#.

(3/22/16)

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 Section 23-66 (Height and Setback Requirements for Quality Housing Buildings), inclusive, shall be modified by the provisions of Section 35-65 (Height and Setback Requirements for 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 (e)(4) of Section 23-692 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#.

<table>
<thead>
<tr>
<th>District</th>
<th>Applicable Residence District</th>
</tr>
</thead>
<tbody>
<tr>
<td>C3</td>
<td>R3-2</td>
</tr>
<tr>
<td>C3A</td>
<td>R3A</td>
</tr>
</tbody>
</table>
C4-1  R5
C4-2  C4-3  C6-1A  R6
C1-6  C2-6  C4-4  C4-5  C6-1  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  R10
C6-5  C6-6  C6-7  C6-8  C6-9

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 Section 23-66, inclusive, shall be modified by the provisions of Section 35-65.

<table>
<thead>
<tr>
<th>District</th>
<th>Applicable #Residence District#</th>
</tr>
</thead>
<tbody>
<tr>
<td>C4-2A</td>
<td>R6A</td>
</tr>
<tr>
<td>C1-6A</td>
<td>C2-6A  C4-4A  C4-4L</td>
</tr>
<tr>
<td>C4-5A</td>
<td>R7A</td>
</tr>
<tr>
<td>C4-5D</td>
<td>R7D</td>
</tr>
<tr>
<td>C4-5X</td>
<td>R7X</td>
</tr>
<tr>
<td>C1-7A</td>
<td>C4-4D  C6-2A</td>
</tr>
<tr>
<td>C1-8A</td>
<td>C2-7A  C6-3A</td>
</tr>
<tr>
<td>C6-3D</td>
<td>R9A</td>
</tr>
<tr>
<td>C1-8X</td>
<td>C2-7X  C6-3X</td>
</tr>
<tr>
<td>C1-9A</td>
<td>C2-8A  C4-6A  C4-7A</td>
</tr>
<tr>
<td>C5-1A</td>
<td>C5-2A  C6-4A</td>
</tr>
<tr>
<td>C6-4X</td>
<td>R10X</td>
</tr>
</tbody>
</table>
35-30
APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

35-31
Maximum Floor Area Ratio

C1 C2 C3 C4 C5 C6

In the districts indicated, 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. Special rules for certain areas are set forth in Section 35-35 (Special Floor Area Ratio Provisions for Certain Areas).

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Floor Area and Lot Coverage 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 Sections 23-154 and 23-90 (INCLUSIONARY HOUSING).

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 for the applicable district.

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 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 less.

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 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

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#.

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#.

(3/22/16)

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, 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 35-012 (Special provisions for certain community facility uses).

(a) For #buildings# containing #residential# and #community facility uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# greater than set forth in Column A in the following table, the maximum such ratio for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table, and the maximum such ratio for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.
<table>
<thead>
<tr>
<th>District</th>
<th>COLUMN A</th>
<th>COLUMN B</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1 or C2 mapped in R6</td>
<td>2.5</td>
<td>1.0</td>
</tr>
<tr>
<td>C1 or C2 mapped in R7-1</td>
<td>3.5</td>
<td>1.0</td>
</tr>
</tbody>
</table>

(b) For buildings containing residential and community facility uses, where such buildings have a ratio of floor area in such building to lot area that do not exceed the applicable ratio set forth in Column A in the table in paragraph (a) of this Section, the maximum floor area ratio for the community facility portion of such buildings shall be as set forth in Article III, Chapter 3, and the maximum floor area ratio for the residential portions of such buildings shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(c) For zoning lots containing multiple buildings, the provisions of this paragraph, (c), shall apply to any building that does not contain both community facility and residential uses. The maximum floor area ratio permitted for the commercial or community facility portions of such buildings shall be as set forth in Article III, Chapter 3, and the maximum floor area ratio permitted for the residential portions of such buildings shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d).

(d) The total floor area ratio permitted for commercial or community facility use on the zoning lot shall be as set forth in Article III, Chapter 3, and the total floor area ratio permitted for residential use on the zoning lot 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.

For the purposes of this Section, a building segment may be considered to be a building.
35-312
Existing public amenities for which floor area bonuses have been received

(a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open area

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(d) Elimination or reduction in size of existing public amenity

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).
35-32
Open Space Ratio for Residential Portions of Buildings

C1 C2 C3 C4 C5 C6

In the districts indicated, a zoning lot containing a residential building or the residential portion of a mixed building shall have a minimum open space ratio as required under the provisions of Sections 35-21 through 35-23, relating to Section 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), except as otherwise provided in this Section.

For the purposes of this Section:

(a) the floor area counted in determining the open space ratio shall be only that floor area in the residential portion of the building;

(b) the lot coverage shall be deemed to be that portion of the zoning lot which, when viewed directly from above, would be covered by the residential portion of the building at any level; and

(c) the applicable height factor, if the maximum permitted residential floor area ratio is less than the total floor area ratio permitted for such building, shall be the height factor of the residential portion of the building.

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 minimum required open space ratio shall not apply to such change of use.

(3/22/16)

35-33
Location of Open Space

C1 C2 C3 C4 C5 C6

In the districts indicated, the open space required for a residential building or the residential portion of a mixed building under the provisions of Section 35-32 (Open Space Ratio for Residential Portions of Buildings) may be at a level higher than 23 feet above curb level. Such open space may be provided at ground floor level or upon the roof of:
(a) the non-residential portion of a mixed building;

(b) a commercial building; or

(c) a community facility building that abuts such residential building or residential portion of a mixed building;

provided that the level of any open space may not be higher than 2 feet, 6 inches below the sill level of any legally required window opening on such roof area, in the residential portion of such mixed building. Open space located on the roof of a community facility building separated by open area from residential or mixed buildings on the same zoning lot may not be at a level higher than 23 feet above curb level.

(3/22/16)

35-331
Open space restrictions in C4-1 Districts

In C4-1 Districts, for zoning lots having a lot area in excess of four acres, open off-street parking spaces which are accessory to commercial uses are not permitted obstructions within required open space.

In C4-1 Districts, for zoning lots having a lot area in excess of four acres, open space provided on the roof of a commercial building that would otherwise qualify as open space shall be subject to authorization by the City Planning Commission. In permitting such roof area to qualify as open space, the Commission shall find that:

(a) the location and layout of the roof area is directly accessible, useable and restricted for the residential occupants and their guests for whom no admission charge or membership fee is charged;

(b) such roof area contains recreational facilities, seating areas and landscaping; and

(c) all mechanical equipment or emissions therefrom are screened and no intake or exhaust duct faces directly into the open space.
35-34
Floor Area Bonus for a Public Plaza or Arcade

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.

(a) Prohibition of public plaza and arcade bonuses

(1) In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, no floor area bonuses shall be permitted for public plazas or arcades.

(2) Within the boundaries of Community District 7, Borough of Manhattan, no floor area bonuses shall be permitted for public plazas or arcades.

(b) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, the bonus provisions of Section 33-13 shall apply only to a development or enlargement with 25 percent or less of the total floor area of the building in residential use.

(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 provisions of Section 23-152 (Basic regulations for R10 Districts) may be increased by six square feet.
(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.

(3/22/16)

35-341
Arcades

C1-8 C1-9 C2-7 C2-8

(a) In the districts indicated, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 33-14 shall apply only to a development or enlargement with 25 percent or less of the total floor area of the building in residential use.

C4-6 C4-7 C5 C6

(b) In the districts indicated, the provisions of Section 33-14 shall apply.

(2/14/18)

35-35
Special Floor Area Ratio Provisions for Certain Areas

(2/14/18)

35-351
Special floor area regulations in C6-3 Districts within Community District 1, Borough of the Bronx

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for MIH developments or affordable independent residences for seniors, the residential floor area ratio shall be that for an R9-1 District set forth in paragraph (d) of Section 23-154 (Inclusionary Housing) or in Section 23-155 (Affordable independent residences for seniors), as applicable.

(3/22/16)

35-40
APPLICABILITY OF DENSITY REGULATIONS

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of dwelling 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). For the purposes of such calculation, the maximum residential floor area permitted on the zoning lot shall equal the applicable total floor area permitted on the zoning lot, minus the amount of non-residential floor area and floor area allocated to affordable independent residences for seniors.

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 predominantly built-up area of a C1 District mapped within an R5 District, the maximum permitted commercial floor area ratio (FAR) is 1.0, the maximum permitted community facility FAR is 2.0 and the maximum permitted residential FAR is 1.65, provided the total FAR for all uses on the zoning lot does not exceed 2.0, pursuant to Section 35-30. On a 10,000 square foot zoning lot developed with 1.0 FAR of commercial use and 0.2 FAR of community facility use, the maximum residential floor area ratio permitted for such mixed building is 0.8. The maximum number of dwelling units permitted on the zoning
lot# is 9 (10,000 x 0.8 divided by a factor of 900, pursuant to Section 23-22).

For a #mixed building# where the #residential# portion is #developed# pursuant to the optional Quality Housing Program on a #wide street# in a C2 District mapped within an R7-1 District outside the #Manhattan Core#, the maximum permitted #commercial# FAR is 2.0, the maximum permitted #community facility# FAR is 4.8 (or 1.0 if the total FAR of the #mixed building# exceeds 3.5), and the maximum permitted #residential# FAR is 4.0, provided the total FAR for all #uses# on the #zoning lot# does not exceed 4.8, pursuant to Section 35-30. On a 15,000 square foot #zoning lot developed# with 1.0 FAR of #commercial use# and 1.0 FAR of #community facility use#, the maximum #residential floor area ratio# permitted for such #mixed building# is 2.8. The maximum number of #dwelling units# permitted on the #zoning lot# is 62 (15,000 x 2.8 divided by a factor of 680, pursuant to Section 23-22).

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 (20,000 x 5 divided by a factor of 680, pursuant to Section 23-22).

(3/22/16)

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.
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.

(4/30/12)

35-52  
Modification of Side Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying Adjacent to R1 Through R5 Districts), no #side yard# shall be required although, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet. Permitted obstructions, pursuant to paragraph (a) of Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

However, in C3A Districts, #side yards# shall be provided in accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single- or two-family residences).

(4/30/12)

35-53  
Modification of Rear Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential rear yard# shall be
provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, shall be permitted, pursuant to Section 23-62 (Permitted Obstructions).

(10/11/12)

35-531
Residential rear yard equivalents in certain districts

In C4-4L Districts, for #through lots# that have a maximum depth of 180 feet or less and are bounded by a #street# containing an elevated rail line, no #residential rear yard equivalent# shall be required.

(3/22/16)

35-532
Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors

A portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residences for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be a permitted obstruction within a #rear yard# or #rear yard equivalent# on #zoning lots# in C1 or C2 Districts mapped within R6 through R10 Districts, other than R6B, R7B or R8B Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, other than R6B, R7B or R8B Districts, provided that the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less, and provided that such space shall be accessible to all residents of the #building#.

(2/2/11)

35-54
Special Provisions Applying Adjacent to R1 Through R5 Districts

C1 C2 C3 C4 C5 C6

In the districts indicated, on zoning lots adjacent to zoning lots in R1, R2, R3, R4 or R5 Districts, a side yard at least eight feet wide shall be provided along the entire length of the common side lot line. Such side yard may be used for accessory parking.

(2/2/11)

35-60
MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

(2/14/18)

35-61
Applicability

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive, shall apply to any zoning lot subject to the provisions of this Chapter.

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 (Commercial Districts With an R1 Through R5 Residential Equivalent).

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. Special rules for certain areas are set forth in Section 35-66 (Special Height and Setback Provisions for Certain Areas).

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 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 be 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.

(3/22/16)

35-62
Commercial Districts With an R1 Through R5 Residential Equivalent
C1 C2 C3 C4

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:

(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 paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) 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.

(3/22/16)

35-63
Basic Height and Setback Modifications

C1 C2 C4 C5 C6

In C1 or C2 Districts mapped within R6 through R10 Districts 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 paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) 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#.

(3/22/16)

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#.

(a) In C1 or C2 Districts mapped within R9 or R10 Districts, or in C1-8, C1-9, C2-7 or C2-8 Districts, a #mixed building# that meets the location and #floor area# criteria of paragraph (a) of Section 23-65 (Tower Regulations) shall be governed by the provisions of Section 23-651 (Tower-on-a-base), except that the #building# base regulations of paragraph (b) of Section 23-651 shall be modified, as follows:

1. On a #wide street#, and on a #narrow street# within 30 feet of its intersection with a #wide street#, the entire width of the #street wall# of a base shall be located on the #street line#. However, to allow for articulation of corners 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. 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#.

2. On a #narrow street# beyond 30 feet of its intersection with a #wide street#, the #street wall# of a base shall be located within eight feet of a #street line#.

3. On a #wide street#, recesses above the ground floor are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate width of such recesses shall not exceed 50 percent of the width
of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate width of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet, within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (a)(1) of this Section.

(4) On a #narrow street#, recesses are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate width of such recesses shall not exceed 50 percent of the width of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate width of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (a)(1) of this Section.

(b) In C4-6, C5-1 or C6-3 Districts, the #residential# portion of a #mixed building# that 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 percent set forth in Section 23-65, may be constructed in conformance with the provisions of Section 23-652 (Standard tower), provided the following conditions are met:

(1) at least 65 percent of the total allowable #floor area# on a #zoning lot# under the applicable district regulations is occupied by #residential uses#;

(2) all #uses# within such #mixed building# comply with the provisions of Section 32-42 (Location Within Buildings); and

(3) only the #residential# portion of such #mixed building# penetrates the #sky exposure plane# as set forth in Sections 33-432 or 33-442 (In other Commercial Districts).

(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 or, for towers on small lots, the percentages set forth in Section 23-65.

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

(3/22/16)

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 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), 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).

(3/22/16)

35-651
Street wall location

C1 C2 C4 C5 C6

In the districts indicated, the #street wall# location provisions of paragraphs (a), (b), (c) or (d) of this Section shall apply to all #Quality Housing buildings#, as applicable.
Any street wall may be divided into different segments, and located at varying depths from the street line, to allow for building recesses, projections, outer courts and other forms of articulation, provided that each portion complies with the applicable street wall location provisions of paragraphs (a), (b), (c) or (d) of this Section. Recesses, projections and other forms of articulation beyond the street wall locations established in paragraphs (a), (b), (c) or (d) are permitted only in accordance with paragraph (e) of this Section.

(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, the following shall apply:

(1) 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 Sections 35-652 and 23-662 (Maximum height of buildings and setback regulations), 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;

(2) 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;

(3) for zoning lots bounded by more than one street line, these street wall location provisions shall be mandatory along only one street line; and

(4) 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.
(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 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 lower, 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.

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.

(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 Section 35-65, 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.

C6-3D

(d) In the district 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 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.
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), (c) or (d) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. 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.

(3/22/16)

35-652
Maximum height of buildings and setback regulations

C1 C2 C4 C5 C6

In the districts indicated, height and setback regulations for #Quality Housing buildings# are set forth in this Section.

The height of a #Quality Housing building or other structure# shall not exceed the maximum height limit specified for the applicable district set forth in paragraphs (a) or (b) of this Section, as applicable, except as specified in paragraph (d) of this Section and elsewhere in this Chapter.

Basic building heights for #Quality Housing buildings# are set forth in paragraph (a) of this Section. Such heights may be increased in certain districts for #Quality Housing buildings# with #qualifying ground floors# pursuant to paragraph (b)(1) of this Section. For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#,

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified in
paragraphs (a) or (b) of this Section, and shall be provided in accordance with the provisions set forth in paragraph (c) of Section 23-662, except as modified in paragraph (c) below.

(a) Basic #building# heights

For #Quality Housing buildings#, the minimum and maximum base height, and maximum height of a #building or other structure# shall be as specified in paragraph (a) of Section 23-662 (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).

(b) Special heights in certain districts for #Quality Housing buildings# with #qualifying ground floors#

(1) Eligible #buildings#

Table 2 in paragraph (b) of Section 23-662 sets forth the minimum and maximum base height, maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# within:

(i) #Commercial Districts# mapped within, or with a residential equivalent of, R6 or R7 Districts without a letter suffix outside the #Manhattan Core# and within 100 feet of a #wide street#, or R8 or R10 Districts without a letter suffix within 100 feet of a #wide street#;

(ii) #Commercial Districts# mapped within, or with a residential equivalent of, R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

(2) Supplemental ground floor provisions for #buildings# in certain districts

For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions shall apply as follows:

(i) Along #primary street frontages#
For #buildings#, or portions thereof, with #primary street frontage#, as defined in Section 37-311, #uses# on the first #story#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies in C1 or C2 Districts, Type 2 lobbies in C4, C5 or C6 Districts, entrances and exits to #accessory# parking spaces, and entryways to subway stations, where applicable, provided in accordance with Section 37-33 (Maximum Width of Certain Uses). #Accessory# off-street parking spaces on the ground floor shall be wrapped in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). Each ground floor level #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(ii) Along #secondary street frontages#

For #buildings# or portions thereof, with #secondary street frontage#, as defined in Section 37-311, #accessory# off-street parking spaces on the ground floor level shall be wrapped or screened in accordance with Section 37-35. However, the aggregate width of any such screening, excluding entrances and exits, shall not exceed 50 feet.

(c) Setback modifications

(1) In C6-3D Districts, the provisions for R9D Districts set forth in Section 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 lower, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is lower; and

(ii) dormers shall not be a permitted obstruction within such setback distance.

(d) 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.

(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.

(3/22/16)

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 23-65 (Tower Regulations), 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 35-651 (Street wall location) and the setback provisions of Section 35-652 (Maximum height of buildings and setback regulations), and provided that the tower portion complies with the provisions of paragraphs (a), (b) and (c) of Section 23-663 (Tower regulations).

(2/14/18)

35-654
Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors

C1 C2 C4 C5 C6

In the districts indicated, the provisions of this Section shall apply to Quality Housing buildings on zoning lots meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors).

For all such Quality Housing buildings, the maximum base and building heights established in Sections 35-652 and 23-662 (Maximum height of buildings and setback regulations) shall be modified in accordance with the table in paragraph (b) 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 Quality Housing buildings with qualifying ground floors and for those with non-qualifying ground floors. However:

(a) for C4-4L Districts, the maximum building height shall be increased to 115 feet for buildings with qualifying ground floors, or 11 stories, whichever is lower, for buildings with non-qualifying ground floors. For buildings with non-qualifying ground floors, the maximum height shall be reduced to 110 feet; and

(b) for such Quality Housing buildings in C1 or C2 Districts mapped within R6 through R8 Districts without a letter
suffix or within an R9-1 District, or in other Commercial Districts with a residential equivalent of an R6 though R8 District without a suffix, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 need not apply to #buildings# on #zoning lots# that meet the criteria set forth in:

(1) paragraph (a)(3) of Section 23-664; or

(2) paragraph (a)(4) of Section 23-664 and such #zoning lots# are located within 150 feet of the types of transportation infrastructure listed in paragraphs (c)(2)(i) through (c)(2)(iv) of Section 23-664. Such 150-foot measurement shall be measured perpendicular to the edge of such infrastructure.

In lieu thereof, the alternative height and setback regulations set forth in paragraph (c) of Section 23-664 shall apply.

(3/22/16)

35-655
Additional regulations

C1 C2 C4 C5 C6

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) of this Section, 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.

(11/30/17)

35-66
Special Height and Setback Provisions for Certain Areas

Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for buildings developed# or enlarged# with towers in Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provisions of paragraph (a) of Section 35-64 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all buildings# where more than 25 percent of the total floor area# of the building# is allocated to residential uses#, irrespective of whether the building# has wide street# or narrow street# frontage. Such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan), except that the building# base modifications set forth in paragraphs (a)(1) through (a)(3) of Section 35-64 shall apply.
35-661
Special height and setback regulations in certain C6-3 Districts within Community District 1, Borough of the Bronx

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residence for seniors#, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 shall not apply. In lieu thereof, the height and setback regulations for an R9-1 District set forth in paragraph (c) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), shall apply.