

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
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Article III: Commercial District Regulations

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

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12/15/61

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

12/15/61

35-00

APPLICABILITY AND DEFINITIONS

9/28/04

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. When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building# would make it a #mixed building#, the regulations set forth in Sections 35-21 to 35-23, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS), inclusive, and in Section 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS), inclusive, shall apply as if such #buildings# were a single #mixed building#. 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 and XII.

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 to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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

10/29/07

35-011

Quality Housing Program

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, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts, any #residential# portion of a #mixed building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In C1 and C2 Districts mapped within R5D Districts, #mixed buildings# shall comply with certain regulations of Article II, Chapter 8, as set forth in Section 28-01 (Applicability of this Chapter).

In the above listed districts 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 #developments# may, as an alternative, be applied to the #residential# portion of a #mixed building# under the same conditions set forth in Sections 23-011 and 35-23 provided that:

- (a) the entire #building# is #developed# pursuant to the #bulk# regulations in Article III, Chapter 5 for #buildings# in which the #residential# portion is

#developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program; and

- (b) the entire #building# complies with the applicable provisions of Article II, Chapter 8 (Quality Housing Program).

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.

7/26/01

35-10
GENERAL PROVISIONS

Except as otherwise provided in this Chapter, the portions of a #mixed building# used for #residential use# are subject to the #bulk# regulations set forth in Article II, Chapter 3, and the portions of a #mixed 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# are set forth in Section 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS TO MIXED BUILDINGS), inclusive, Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS), inclusive, Section 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS), inclusive, Section 35-50 (MODIFICATIONS OF YARD REGULATIONS FOR MIXED BUILDINGS) and Section 35-60 (MODIFICATIONS OF HEIGHT AND SETBACK REGULATIONS FOR MIXED BUILDINGS), inclusive.

12/15/61

35-20
APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS TO MIXED BUILDINGS

7/6/72

35-21

General Provisions

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# set forth in Article II, Chapter 3, shall apply to all #residential# portions of #mixed 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 #mixed buildings# and #Commercial Districts#.

7/26/01

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 #mixed 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, and the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply to such #mixed building#.

10/29/07

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 #mixed buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply to such #mixed building#.

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, unless the #residential# portion of a #mixed building# in such district is #developed# or #enlarged# pursuant to the Quality Housing Program.

Furthermore, in C4-2 Districts in the Borough of Staten Island, the #residential# portion of a #mixed building# shall be #developed# or #enlarged# only pursuant to the Quality Housing Program.

Applicable #Residence District#	District#
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

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

(b) In the districts indicated, the #bulk# regulations for #residential# portions of #mixed buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 shall apply to such #mixed building#.

Applicable #Residence District#	District
R6A	C4-2A C4-3A
R7A	C1-6A C2-6A C4-4A C4-5A
R7D	C4-5D
R7X	C4-5X
R8A	C1-7A C4-4D C6-2A
R9A	C1-8A C2-7A C6-3A
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

10/29/07

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 C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A
 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, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is

#developed# or #enlarged# pursuant to the Quality Housing Program, #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#.

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

(a) Permitted obstructions

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the permitted obstructions set forth in Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction within a required setback area. Such dormer may exceed a maximum base height specified for such district provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

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

(b) #Street wall# location

- (1) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and in other #Commercial Districts# with a #residential# equivalent of an R6 or R7 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, 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#.

For #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#, in accordance with the following rules:

- (i) Where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire blockfront, 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#.
- (ii) For the purposes 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#.
- (iii) 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.

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, R9X, R10A or R10X Districts, and in other C1 or C2 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, 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.

- (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) For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

The preceding #street wall# provisions shall not apply along #narrow streets# beyond 50 feet of their intersection with a #wide street#, nor along any #street frontage# of a #zoning lot# occupied by existing #buildings#.

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

- (3) In the districts indicated, and in other C4, C5 or C6 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, 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#.

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

(c) Setback regulations

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, all #developments# or #enlargements# shall comply with the following provisions:

- (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.

(d) Maximum building height

No #building or other structure# shall exceed the maximum

building height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, except as provided in this paragraph (d), inclusive:

C6-4X

In the district 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. Such tower or towers may exceed a height limit of 85 feet above the #base plane#, provided:

- (1) 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#;
- (2) 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
- (3) 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.

Dormers permitted within a required setback area pursuant to paragraph (a) of this Section shall not be included in tower #lot coverage#.

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

(e) Additional regulations

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following additional provisions shall apply to all #developments# or #enlargements#:

- (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) of this Section shall be mandatory along only one #street# frontage.
- (3) 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.
- (4) 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.
 - (iii) 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#.

TABLE A
HEIGHT AND SETBACK FOR BUILDINGS
IN CONTEXTUAL DISTRICTS

District	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
C1 or C2 mapped in R7B	40	60	75
C1 or C2 mapped in R7A C1-6A C2-6A C4-4A 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** C1-8A** C2-7A** C6-3A**	60	95	135
C1 or C2 mapped in R9A* C1-8A* C2-7A* C6-3A*	60	102	145
C1 or C2 mapped in R9X** C1-8X** C2-7X** C6-3X**	60	120	160
C1 or C2 mapped in R9X* C1-8X* C2-7X* C6-3X*	105	120	170
C1 or C2 mapped in R10A** C1-9A** C2-8A** C4-6A** C4-7A** C5-1A** C5-2A** C6-4A**	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	***

- * Refers to that portion of a district which is within 100 feet of a #wide street#
- ** Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#
- *** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section

TABLE B
HEIGHT AND SETBACK FOR BUILDINGS
IN NON-CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
C1 or C2 mapped in R6** C4-2** C4-3**	30	45	55
C1 or C2 mapped in R6* inside Core*** C4-2* inside Core*** C4-3* inside Core***	40	55	65
C1 or C2 mapped in R6* outside Core*** C4-2* outside Core*** C4-3* outside Core***	40	60	70
C1 or C2 mapped in R7** C1 or C2 mapped in R7* inside Core*** C1-6** C1-6* inside Core*** C2-6** C2-6* inside Core*** C4-4** C4-4* inside Core*** C4-5** C4-5* inside Core*** C6-1** C6-1* inside Core***	40	60	75
C1 or C2 mapped in R7* outside Core*** C1-6* outside Core*** C2-6* outside Core*** C4-4* outside Core*** C4-5* outside Core*** C6-1* outside Core***	40	65	80
C1 or C2 mapped in R8** C1-7** C4-2F** C6-2**	60	80	105
C1 or C2 mapped in R8*	60	85	120

C1-7* C4-2F* C6-2*			
C1 or C2 mapped in R9** C1-8** C2-7** C6-3**	60	95	135
C1 or C2 mapped in R9* C1-8* C2-7* C6-3*	60	102	145
C1 or C2 mapped in R10** C1-9** C2-8** C4-6** C4-7** C5** C6-4** C6-5** C6-6** C6-7** C6-8** C6-9**	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* C6-8* C6-9*	125	150	210

* Refers to that portion of a district which is within 100 feet of a #wide street#

** Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#

*** Core refers to #Manhattan Core#.

12/15/61

35-30

APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS

3/26/08

35-31

Maximum Floor Area Ratio for Mixed Buildings

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# containing a #mixed building#.

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

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply within a #general large-scale development# or where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

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#.

7/26/01

35-311

Maximum floor area ratios and special provisions for mixed buildings containing community facility use in certain districts

C1 C2

In C1 and C2 Districts mapped within R6 Districts, 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#.

- (a) For #buildings# containing #residential# and #community facility uses#, where such #buildings# have #floor area ratios# greater than set forth in Column A in the following table, the maximum #floor area ratio# for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table, 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.

COLUMN A	COLUMN B
Maximum #Floor Area	Maximum #Floor Area Ratio# for

District	Ratio# of #Building#	#Community Facility Use#
C1 or C2 mapped in R6	2.5	1.0
C1 or C2 mapped in R7-1	3.5	1.0

- (b) For #buildings# containing #residential# and #community facility uses#, where such #buildings# have #floor area ratios# that do not exceed the applicable #floor area ratios# set forth in Column A in the table in paragraph (a), 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) of this Section.
- (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#.

10/17/07

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).

7/6/72

35-33

Open Space Ratio for Residential Portions of Mixed Buildings

C1 C2 C3 C4 C5 C6

In the districts indicated, the #residential# portion of a #mixed building# shall have a minimum #open space ratio# as required under the provisions of Sections 35-21 to 35-23, inclusive, relating to Applicability of Residence District Bulk Regulations

to Mixed Buildings, 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 #mixed 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 #mixed 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#.

7/6/72

35-34

Location of Open Space for Mixed Buildings

C1 C2 C3 C4 C5 C6

In the districts indicated, the #open space# required for the #residential# portion of a #mixed building# under the provisions of Section 35-33 (Open Space Ratio for Residential Portions of Mixed 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 the non-#residential# portion of such #mixed building#, provided that the level of any #open space# may not be higher than two and one-half feet 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 separate #community facility building# may not be at a level higher than 23 feet above #curb level#.

7/22/76

35-341

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 is #developed# with 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#.

10/17/07

35-35

Floor Area Bonus for a Public Plaza or Arcade in Connection with Mixed Buildings

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 #mixed building# may be applied to a #mixed building#, 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

(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#.

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

(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 its total #floor area# in #residential use#.

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# developed in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provision of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

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 #development# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

10/17/07

35-351

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 33-15 shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

C4-6 C4-7 C5 C6

- (b) In the districts indicated, the provisions of Section 33-15 shall apply.

10/17/07

35-40

APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# or #rooming units# on a #zoning lot# containing a #mixed building# 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 TO MIXED BUILDINGS) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

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# 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 .2 FAR of #community facility use#, the maximum #residential floor area ratio# permitted for such #mixed building# is

.8. The maximum number of #dwelling units# permitted on the #zoning lot# is 9 (10,000 x .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 on the #zoning lot# 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 126 (20,000 x 5 divided by a factor of 790, pursuant to Section 23-22).

12/15/61

35-50

MODIFICATION OF YARD REGULATIONS FOR MIXED BUILDINGS

6/12/96

35-51

Modification of Front Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required for any #mixed building#, except that the provisions of paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) shall apply to such #mixed building# when #residential uses# are located on the first #story# of such #building#.

9/28/04

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 along District Boundaries), no #side yard# shall be required for any #mixed building# 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.

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

6/29/94

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 #rear yard# may be provided at any level not higher than the floor level of the lowest #story# used for #residential use#.

6/29/94

35-54

Special Provisions Applying along District Boundaries

C1 C2 C3 C4 C5 C6

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

#Commercial District#. In addition, if the #residential# portion of a #mixed building# is #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program, that portion of such #building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B Districts shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).

12/15/61

35-60

MODIFICATION OF HEIGHT AND SETBACK REGULATIONS FOR MIXED BUILDINGS

9/28/04

35-61

Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements), no #front yard# is required for any portion of a #mixed 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#.

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#.

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 used for #mixed buildings#.

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 used for #mixed buildings#.

In C3A Districts, the height and setback regulations applicable to R3A Districts shall apply to #mixed buildings#.

9/28/04

35-62

Maximum Height of Front Wall in Initial Setback Distance

C1 C2 C3 C4 C5 C6

In the districts indicated, except in C3A Districts, the maximum height of a front wall of a #mixed building# 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.

7/26/01

35-63

Special Tower Regulations for Mixed Buildings

In the districts indicated, 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 requirements of a tower-on-a-base set forth in Section 23-65 (Tower Regulations) shall be governed by the provisions of Section 23-652 (Tower-on-a-base), except that paragraph (b) of Section 23-652 (Building base regulations) shall be amended as follows:
- (1) On a #wide street#, and on a #narrow street# within 30 feet of its intersection with a #wide street#, the entire length 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 length of such recesses shall not exceed 50 percent of the length of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate length 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 length of such recesses shall not exceed 50 percent of the length of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate length 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 23-651 (Towers on small lots), may be constructed in conformance with the provisions of Section 23-65, 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 non-#residential uses# within such #mixed building# comply with the provisions of Section 32-42 (Location within Buildings); and

- (3) no non-#residential# portion of a #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 Sections 23-65 or 23-651.

All non-#residential 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.