



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **23-664 - Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors**

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## 23-664 - Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors

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LAST AMENDED  
4/18/2024

R6 R7 R8 R9 R10

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 this Section. For the purposes of this Section, defined terms include those set forth in Sections [12-10](#) and [23-911](#). Additional height and setback provisions for #compensated developments# and #MIH developments#, as defined in Section [23-911](#), are set forth in Sections [23-951](#) and [23-952](#), respectively.

(a) Eligible #buildings#

The additional heights and number of #stories# permitted pursuant to this Section shall apply to:

- (1) #buildings# on #zoning lots# in R10 Districts outside of #Inclusionary Housing designated areas#, where:
  - (i) in accordance with the provisions of paragraph (a) of Section [23-154](#) (Inclusionary Housing), the #zoning lot# achieves a #floor area ratio# of at least 11.0; and
  - (ii) such #zoning lot# includes a #compensated development# that contains #affordable floor area#;
- (2) #buildings# on #zoning lots# in #Inclusionary Housing designated areas#, where:
  - (i) 50 percent or more of the #floor area# of the #zoning lot# contains #residential uses#; and
  - (ii) at least 20 percent of such #residential# #floor area# is #affordable floor area# provided in accordance with the provisions of paragraph (b) of Section [23-154](#);
- (3) #MIH developments# on #MIH zoning lots# that also contain #MIH sites#, where such #MIH zoning lot# contains all #affordable floor area# required for such #MIH development#; or
- (4) #buildings# on #zoning lots# where at least 20 percent of the #floor area# of the #zoning lot# contains #affordable independent residences for seniors#.

(b) For certain #Quality Housing buildings# in all applicable districts

For #Quality Housing buildings# meeting the criteria of paragraph (a) of this Section, the maximum base and #building# heights and maximum number of #stories# established in Section [23-662](#) shall be modified by Table 1 below. Separate maximum #building# heights are set forth within the table for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

TABLE 1

MODIFIED MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT FOR CERTAIN QUALITY HOUSING BUILDINGS

FOR CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height for #Buildings or other Structures# with #non-qualifying ground floors# (in feet)	Maximum Height for #Buildings or other Structures# with #qualifying ground floors# (in feet)	Maximum Number of #Stories#
R6A	40	65	80	85	8
R7A	40	75	90	95	9
R7D	60	95	110	115	11
R7X <sup>1</sup>	60	105	140	145	14
R8A	60	105	140	145	14
R8X	60	105	170	175	17
R9A <sup>2</sup>	60	125	170	175	17
R9A <sup>3</sup>	60	125	160	165	16
R9X <sup>2</sup>	105	145	200	205	20

R9X <sup>3</sup>	60	145	190	195	19
R10A <sup>2</sup>	125	155	230	235	23
R10A <sup>3</sup>	60	155	210	215	21

#### FOR NON-CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height for #Buildings or other Structures# with #non-qualifying ground floors# (in feet)	Maximum Height for #Buildings or other Structures# with #qualifying ground floors# (in feet)	Maximum Number of #Stories#
R6 <sup>4</sup>	40	65	80	85	8
R7 <sup>2</sup>	40	75	100	105	10
R7 <sup>5</sup>	40	75	90	95	9
R8	60	105	140	145	14
R9 <sup>2</sup>	60	125	170	175	17
R9 <sup>3</sup>	60	125	160	165	16
R10 <sup>2</sup>	125	155	230	235	23
R10 <sup>3</sup>	60	155	210	215	21

<sup>1</sup> In R7X Districts, the modified base heights, maximum #building# heights and number of #stories# are permitted only for #buildings# on #zoning lots# meeting the criteria of paragraphs (a)(3) or (a)(4) of this Section

<sup>2</sup> For #zoning lots# or portions thereof within 100 feet of a #wide street#

<sup>3</sup> For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street#, or for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

- <sup>4</sup> For #buildings# meeting the criteria of paragraph (a)(4) of this Section, and #buildings# meeting the other criteria of paragraph (a) of this Section on #zoning lots# located within 100 feet of a #wide street#
- <sup>5</sup> For #buildings# meeting the criteria of paragraph (a)(4) of this Section, on #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street#, and for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

(c) Alternative regulations for certain #Quality Housing buildings# in non-contextual districts

For #Quality Housing buildings# in R6 through R8 Districts without a letter suffix and in an R9-1 District, the #street wall# location provisions of Sections [23-661](#) and the height and setback provisions of Section [23-662](#) and paragraph (b) of this Section need not apply to:

- (1) #buildings# on #MIH zoning lots# meeting the criteria of paragraph (a)(3) of this Section.
- (2) #buildings# on #zoning lots# containing an #affordable independent residence for seniors# meeting the criteria of paragraph (a)(4) of this Section, where such #zoning lot# is located within 150 feet of the following types of transportation infrastructure:
  - (i) an elevated rail line;
  - (ii) an open railroad right of way;
  - (iii) a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to adjoining land; or
  - (iv) an elevated #street# located on a bridge that prohibits direct vehicular access.

Such 150-foot measurement shall be measured perpendicular from the edge of such infrastructure.

In lieu thereof, the height of a #building or other structure#, or portion thereof, within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall not exceed the maximum base height specified for the applicable zoning district in Table 2 below. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of the #building or other structure# shall not exceed the maximum #building# height specified for the applicable district in the table, or the maximum number of #stories#, whichever is less.

TABLE 2

ALTERNATIVE MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT FOR CERTAIN QUALITY HOUSING BUILDINGS IN NON-CONTEXTUAL DISTRICTS

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6	65	115	11
R7-1 R7-2	75	135	13
R7-3	85	185	18
R8	105	215	21
R9-1	125	285	28