



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

23-95 - Compensated Zoning Lots

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23-95 - Compensated Zoning Lots

LAST AMENDED

3/22/2016

The #residential floor area ratio# of a #compensated zoning lot# may be increased, and the #residential floor area ratio# of an #MIH zoning lot# shall be determined, in accordance with the applicable provisions of Section [23-154](#) (Inclusionary Housing).

23-951 - Height and setback for compensated developments in Inclusionary Housing designated areas

LAST AMENDED

3/22/2016

In #Inclusionary Housing designated areas#, the #compensated development# shall comply with the height and setback regulations of Sections [23-66](#) or [35-65](#) (Height and Setback Requirements for Quality Housing Buildings) as applicable, except that:

- (a) in #Special Mixed Use Districts#, the #compensated development# shall comply with the provisions of paragraphs (a) or (b) of Section [123-662](#) (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# shall comply with the height and setback regulations of Section [23-66](#), regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program;
- (b) in R10 Districts without a letter suffix, the #compensated development# shall comply with the underlying height and setback regulations for such district; and
- (c) on #waterfront blocks# and in R7-3 Districts, the #compensated development# shall comply with the special regulations applying in the #waterfront area# set forth in Section [62-30](#) (SPECIAL BULK REGULATIONS), inclusive.

23-952 - Height and setback in Mandatory Inclusionary Housing areas

LAST AMENDED

2/14/2018

In #Mandatory Inclusionary Housing areas#, the provisions of Section [23-951](#) shall apply to #MIH developments#, except as modified in this Section.

- (a) In R9 Districts without a letter or number suffix, the regulations of Section [23-651](#) (Tower-on-a-base) may apply, provided such #MIH development# is on a #zoning lot# that meets the requirements set forth in paragraph (a) of Section [23-65](#) (Tower Regulations).
- (b) In R6 through R9 Districts without a letter suffix within #Mandatory Inclusionary Housing areas#, the height and setback regulations of Section [23-64](#) (Basic Height and Setback Regulations) may apply, except that towers shall not be permitted in an R9-1 District. In addition, for R9 Districts without a letter or number suffix that do not meet the requirements of paragraphs (a) and (c) of Section [23-65](#) (Tower Regulations), the tower provisions of Section [23-652](#) (Standard tower) may apply, subject to the #lot coverage# provisions of Section [23-65](#). However, when the height and setback and tower regulations specified in this paragraph are utilized, the maximum #floor area ratio# on an #MIH zoning lot# shall be determined in accordance with the provisions of Section [23-151](#) (Basic regulations for R6 through R9 Districts).

23-953 - Additional requirements for compensated developments and MIH developments

LAST AMENDED

3/22/2016

- (a) #Compensated development# or #MIH development# building permits
- (1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# or an #MIH development#, based on the #affordable housing# or contribution to the #affordable housing fund# described in such #permit notice#.
 - (2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of the #regulatory agreement date# or the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded or any applicable alternate procedure has been completed. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development# or #MIH development#.
- (b) #Compensated development# or #MIH development# certificates of occupancy
- (1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# or #MIH development# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation# or satisfies the requirements of paragraph (d) of Section [23-154](#) (Inclusionary Housing) or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section [73-624](#) (Reduction or modification of Mandatory Inclusionary Housing requirements). However, where any #story# of a #compensated development# or #MIH development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.
 - (2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# or #MIH site# unless:
 - (i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or
 - (ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.