



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 8 - Special East Harlem Corridors District (EHC)

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Chapter 8 - Special East Harlem Corridors District (EHC)

138-00 - GENERAL PURPOSES

LAST AMENDED

11/30/2017

The “Special East Harlem Corridors District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;
- (b) to encourage the development of residential uses along appropriate corridors;
- (c) to encourage the development of permanently affordable housing;
- (d) to facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections;
- (e) to enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;
- (f) to ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and
- (g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

138-01 - General Provisions

LAST AMENDED

10/7/2021

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

138-02 - District Plan and Maps

LAST AMENDED

11/30/2017

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan

includes the map, “Special East Harlem Corridors District and Subdistrict,” in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

138-03 - Subdistrict

LAST AMENDED
11/30/2017

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

138-04 - Applicability

LAST AMENDED
11/30/2017

138-041 - Applicability of Article IX, Chapter 5

LAST AMENDED
11/30/2017

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

138-042 - Applicability of Article XII, Chapter 3

LAST AMENDED
11/30/2017

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

138-043 - Applicability of the Quality Housing Program

LAST AMENDED
11/30/2017

In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

138-044 - Applicability of the Inclusionary Housing Program

LAST AMENDED
11/30/2017

For the purposes of applying the Inclusionary Housing Program set forth in Section [23-90](#) (INCLUSIONARY HOUSING), the

#Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

138-10 - SPECIAL USE REGULATIONS

LAST AMENDED

11/30/2017

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

138-11 - Location of Residential Use Within Buildings

LAST AMENDED

11/30/2017

In C4 or C6 Districts, the underlying provisions of Section [32-422](#) (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged#, to permit #dwelling units# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial# #uses# are located directly over any #dwelling units#. However, such #commercial# #uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

138-12 - Public Parking Garages

LAST AMENDED

11/30/2017

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), the regulations set forth for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the regulations set forth for C2-4 Districts shall apply.

138-20 - SPECIAL BULK REGULATIONS

LAST AMENDED

11/30/2017

In the #Special East Harlem Corridors District#, all #developments# and #enlargements# shall comply with the #bulk# regulations for #Quality Housing buildings#, as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section [138-21](#) (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section [138-22](#) (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section [138-23](#) (Height and Setback Regulations in Commercial Districts) shall apply. In M1 Districts paired with an R9 or R10 District, the height and setback provisions set forth in Section [138-24](#) (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

138-21 - Floor Area Regulations

Within the #Special East Harlem Corridors District#, the underlying #floor area# regulations shall apply as modified in this Section, inclusive.

138-211 - Special floor area regulations

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- (a) In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential# #floor area#, the maximum #residential# #floor area ratio# shall be modified as follows:
- (1) for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section [23-154](#) (Inclusionary Housing) or, for #affordable independent residences for seniors#, the maximum #residential# #floor area ratio# set forth on Map 2 shall apply;
 - (2) for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section [23-154](#), the maximum #residential# #floor area ratio# shall apply as modified in the table below:

Maximum #residential# #floor area ratio# shown on Map 2	Modified maximum #residential# #floor area ratio#
8.5	7.52
9.0	7.52
10.0	9.0

- (3) except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and
 - (4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections [33-13](#) (Floor Area Bonus for a Public Plaza) or [33-14](#) (Floor Area Bonus for Arcades) shall not apply.
- (b) In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility# #floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section [33-121](#) (In districts with bulk governed by Residence District bulk regulations) shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #long-term care facilities#.
- (c) In the C4-6 District that is located on the west side of Third Avenue between East 121st Street and East 122nd Street,

the maximum #commercial# #floor area ratio# shall be 7.2.

- (d) For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

138-212 - Additional floor area regulations in the Park Avenue Subdistrict

LAST AMENDED
10/7/2021

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of paragraphs (a) and (b) of Section [138-211](#) are further modified in this Section.

- (a) Required non-#residential# #floor area ratio#

Where a #development# or #enlargement# of a #building# on a #zoning lot#, or portion thereof, located within the Park Avenue Subdistrict contains #residential# #floor area#, such #zoning lot# shall provide a minimum non-#residential# #floor area ratio# as set forth below:

- (1) in M1-6 Districts paired with an R9 District, a minimum non-#residential# #floor area ratio# of 1.0 shall be provided;
- (2) in C6-4 Districts, and in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 10.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided; and
- (3) in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 12.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided.

- (b) Maximum #floor area ratio# for #zoning lots# within M1-6 Districts paired with an R9 District

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# for any #use#, or any combination of #uses#, shall not exceed 8.5.

- (c) Modified maximum #floor area ratio# for certain #zoning lots#

The #floor area ratios# set forth in paragraphs (a) and (b) of this Section, and in Section [138-211](#), shall be modified, as follows:

- (1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet;
- (2) for #zoning lots# subject to paragraph (c)(1) of this Section, the maximum #floor area ratio# for all #uses# shall be set forth as follows:

Maximum #floor area ratio# shown on Map 2	Modified maximum #floor area ratio#
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8.5	7.52
10.0	9.0

138-22 - Street Wall Regulations

LAST AMENDED
5/12/2021

All #developments# and #enlargements# within the #Special East Harlem Corridors District# shall comply with the #street wall# regulations of Section [35-651](#) (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments# and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section [35-651](#) are specified and modified as follows:

(a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section [35-651](#) shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the provisions of paragraph (a) of Section [35-651](#) shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (a) of Section [35-651](#) shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

- (1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section [37-34](#) (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#; and
- (2) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (b)(1) of Section [37-362](#) (Mitigation elements) for at least 70 percent of the linear footage, shall 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. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section [37-362](#) for at least 70 percent of the linear footage of such area per 50 feet of frontage.

138-23 - Height and Setback Regulations in Commercial Districts

LAST AMENDED
5/29/2019

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections [35-652](#) (Maximum height of buildings and setback regulations) or [35-654](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that:

- (1) the minimum base heights shall be modified by the provisions of Section [138-22](#) (Street Wall Regulations);
- (2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building# #height# for #buildings# utilizing the provisions of Section [35-654](#) shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to such Section shall be 21;
- (3) in C4-6 Districts whose maximum #residential# #floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of Sections [35-652](#) or [35-654](#) for R9 Districts shall apply, except that the minimum base height set forth in Section [138-22](#) shall apply, the maximum #building# height for #buildings# utilizing the provisions of Section [35-654](#) shall be modified to 215 feet, and the maximum number of #stories# permitted pursuant to Section [35-654](#) shall be 21;
- (4) in a C2 District mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #building# height for #buildings# utilizing the provisions of Section [35-654](#) shall be modified to 125 feet and the maximum number of stories permitted pursuant to such Section shall be 12; and
- (5) where applicable, in lieu of the provisions of this paragraph, the provisions of paragraph (b) of this Section may be applied.

The regulations of paragraph (b)(2) of Section [35-652](#) relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section [138-30](#) (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

(b) Alternate Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# meeting the applicable 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), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in Section [138-22](#) (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#) (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential# #floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section [23-65](#) (Tower Regulations). Each #story# of a tower containing exclusively non-#residential# #floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum tower height

- (i) The maximum tower height shall be set forth on Map 3 of the Appendix to this Chapter.
- (ii) In C2 Districts mapped within R9 Districts that are also located within the #Special Transit Land Use District#, for #zoning lots# which include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum tower height shall be:
 - (a) 325 feet for #zoning lots# which include ancillary facilities with emergency egress and/or ventilation structures as specified in Section [95-032](#) (Determination of transit easement at other stations); and
 - (b) 215 feet for #zoning lots# which include only transit facilities specified in Section [95-032](#) other than ancillary facilities with emergency egress and/or ventilation structures.

138-24 - Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District

LAST AMENDED
11/30/2017

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (b) of Section [138-22](#) (Street Wall Regulations) shall apply, and the applicable maximum height of #buildings or other structures# and setback provisions set forth in Section [123-66](#) (Height and Setback Regulations), inclusive, shall apply as modified in this Section.

- (a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section [138-22](#), nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#) (Maximum height of buildings and setback regulations). The maximum #building# height shall be 215 feet;
- (b) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 10.0, at a height not lower than the minimum base height set forth in Section [138-22](#), nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#). The maximum #building# height shall be 275 feet; and
- (c) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 12.0, at a height not lower than the minimum base height set forth in Section [138-22](#), nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#). The maximum #building# height shall be 295 feet.

138-30 - STREETSCAPE REQUIREMENTS

LAST AMENDED

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level# #enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section [32-434](#) (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a #ground floor level# that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5, or any portion of a #ground floor level# that contains a subway entrance required pursuant to the provisions of Section [138-33](#) (Off-street Relocation or Renovation of a Subway Stair), need not comply with the streetscape requirements of this Section, inclusive.

138-31 - Ground Floor Use Regulations

LAST AMENDED

5/12/2021

The special #ground floor level# streetscape provisions set forth in Section [37-30](#), shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level# #street# frontage along the designated retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section [37-311](#) (Definitions).

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, 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 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section [37-33](#) (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements). #Ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section [37-34](#) (Minimum Transparency Requirements), except that:

- (1) in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level# #street wall# width may be exempt from such regulations, provided that planting or screening in accordance with the provisions of paragraphs (a)(1) or (b)(1) of Section [37-362](#) (Mitigation elements) is provided pursuant to the provisions for Type 1 blank walls set forth in Section [37-361](#) (Blank wall thresholds); and
- (2) in #flood zones#, visual mitigation elements shall be provided in accordance with the provisions for Type 3 blank walls set forth in Section [37-361](#).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section [37-35](#).

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

138-32 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED

5/12/2021

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet that fronts on a portion of sidewalk containing a stairway entrance or entrances into the 116th Street Station of the Lexington Avenue subway line, such #development# or #enlargement# shall be subject to the regulations of Section [37-40](#) (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

138-40 - OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED

11/30/2017

The applicable parking and loading regulations of Article II, Chapter 5, Article III, Chapter 6, Article IV, Chapter 4 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) or Section [123-70](#) (PARKING AND LOADING), inclusive, shall be modified in this Section, inclusive.

138-41 - Accessory Off-street Parking Spaces for Residences

LAST AMENDED

11/30/2017

In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.

138-42 - Special Permit for Accessory Off-street Commercial Loading Spaces

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LAST AMENDED

2/8/2024

Within C4-6 Districts, the City Planning Commission may, by special permit, allow a reduction or waiver in the number of required loading berths, provided that:

- (a) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#; and
- (b) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Appendix - SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN

LAST AMENDED

2/8/2024

Map 1: Special East Harlem Corridors District and Subdistrict (2/8/24)

Map 2: Maximum Residential Floor Area Ratio (2/8/24)

Map 3: Maximum Height (2/8/24)