



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

23-66 - Height and Setback Requirements for Quality Housing Buildings

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23-66 - Height and Setback Requirements for Quality Housing Buildings

LAST AMENDED

3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, the #street wall# location provisions of Sections [23-661](#) and the height and setback provisions of Section [23-662](#) shall apply to #Quality Housing buildings#. These provisions may be modified pursuant to the provisions of either Section [23-663](#) (Tower regulations in R9D and R10X Districts) or [23-664](#) (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 23-665. 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. The height of all #buildings or other structures# shall be measured from the #base plane#.

Where the City Planning Commission grants additional height to a #development# or #enlargement# subject to the provisions of Sections [23-662](#) or [23-664](#) pursuant to an authorization or special permit of this Resolution, the Commission may, in conjunction, increase the permitted number of #stories#.

23-661 - Street wall location

LAST AMENDED

3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, the #street wall# location provisions of paragraphs (a), (b) or (c) 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) or (c) of this Section. Recesses, projections and other forms of articulation beyond the #street wall# locations established in paragraphs (a), (b) or (c) are permitted only in accordance with paragraph (d) of this Section.

R6A R7A R7D R7X R9D

(a) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the following shall apply:

(1) The #street wall# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage, that is both within 10 feet of the #street line# and within 25 feet of such #Quality Housing building#. Where such existing adjacent #building#, or portion thereof, has #street walls# located at varying depths, the #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width.

(2) On #corner lots#, the #street wall# location provisions of paragraph (a)(1) shall apply along only one #street line#.

R6B R7B R8B

(b) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7

Districts without a letter suffix, the following shall apply:

- (1) On #zoning lots# with at least 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage, that is both within 15 feet of the #street line# and within 25 feet of such #Quality Housing building#. Where such existing adjacent #building#, or portion thereof, has #street walls# located at varying depths, the #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width.
- (2) On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, nor further from the #street line# than the furthest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage that is both within 15 feet of the #street line# and within 25 feet of such #Quality Housing building#. Where such existing adjacent #building#, or portion thereof, has #street walls# located at varying depths, the #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width.
- (3) On #corner lots#, the #street wall# regulations of (b)(1) or (b)(2), as applicable, shall apply along both #street# frontages, except that along one #street line# the #street wall# need not be located farther from the #street line# than five feet.

R8A R8X R9A R9X R10A R10X

- (c) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, the following shall apply:
 - (1) Along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street# the #street wall# shall extend along the entire #street# frontage of a #zoning lot#. At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in Section [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) Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, at least 70 percent of the #street wall# shall be located within 15 feet of the #street line#.

R6 R7 R8 R9 R10

- (d) #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) or (c) 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 to 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.

23-662 - Maximum height of buildings and setback regulations

R6 R7 R8 R9 R10

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 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 R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions are set forth in paragraph (b)(2) of this Section.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the applicable district in paragraphs (a) or (b) of this Section, and shall be provided in accordance with paragraph (c) of this Section.

(a) Basic #building# heights

Table 1 in this paragraph sets forth the minimum and maximum base height, and maximum #building# height, for #Quality Housing buildings#.

TABLE 1

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT - FOR CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6A	40	60	70
R6B	30	40	50
R7A	40	65	80
R7B	40	65	75
R7D	60	85	100
R7X inside #Manhattan Core#	60	85	125

R7X outside #Manhattan Core#	60	85	120
R8A	60	85	120
R8B	55	65	75
R8X	60	85	150
R9A ¹	60	105	145
R9A ²	60	95	135
R9D	60	85 ⁴	N/A ³
R9X ¹	105	120	170
R9X ²	60	120	160
R10A ¹	125	150	210
R10A ²	60	125	185
R10X	60	85	N/A ³

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT - FOR NON-CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6 ²	30	45	55
R6 ¹ inside #Manhattan Core#	40	55	65

R6 ¹ outside #Manhattan Core#	40	65	70
R7 ¹ inside #Manhattan Core# R7 ²	40	65	75
R7 ¹ outside #Manhattan Core#	40	75	80
R8 ²	60	85	115
R8 ¹ inside #Manhattan Core#	60	85	120
R8 ¹ outside #Manhattan Core#	60	95	130
R9 ¹	60	105	145
R9 ²	60	95	135
R10 ¹	125	155	210
R10 ²	60	125	185

- ¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#
- ² 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#
- ³ #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance with Section [23-663](#) (Tower regulations in R9D and R10X Districts)
- ⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet
- (b) Special heights in certain districts for #Quality Housing buildings# with #qualifying ground floors#
- (1) Eligible buildings

Table 2 in this paragraph 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) 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#; or
- (ii) R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

TABLE 2

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, MAXIMUM BUILDING HEIGHT AND MAXIMUM NUMBER OF STORIES FOR BUILDINGS IN CERTAIN DISTRICTS OUTSIDE THE MANHATTAN CORE WITH QUALIFYING GROUND FLOORS

FOR CONTEXTUAL DISTRICTS OUTSIDE THE MANHATTAN CORE				
District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6A	40	65	75	7
R6B	30	45	55	5
R7A	40	75	85	8
R7D	60	85	105	10
R7X	60	95	125	12
R8A	60	95	125	12
R8X	60	95	155	15
R9X ¹	105	125	175	17
R9X ²	60	125	165	16
R10A ¹	125	155	215	21

FOR NON-CONTEXTUAL DISTRICTS				
District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6 ¹ outside #Manhattan Core#	40	65	75	7
R7 ¹ outside #Manhattan Core#	40	75	85	8
R8 ¹ inside #Manhattan Core#	60	85	125	12
R8 ¹ outside #Manhattan Core#	60	95	135	13
R10 ¹	125	155	215	21

¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#

² For #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#

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

For #Quality Housing buildings# in 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 typical #street wall# frontages

For #buildings#, or portions thereof, with a #street wall# width of 100 feet or less along a #street# frontage, #uses# on the first #story# shall comply with the ground floor #use# and depth requirements of Section [26-52](#). #Accessory# off-street parking spaces on the ground floor shall be wrapped in accordance with the provisions of paragraph (a) of Section [26-54](#) (Parking Wrap and Screening Requirements).

(ii) Along wide #street# frontages

For #buildings# with a #street wall# width exceeding 100 feet along a #street# frontage, at least 100 feet of such frontage shall comply with the provisions of paragraph (b)(2)(i) of this Section. For portions in excess of 100 feet, #accessory# off-street parking spaces on the ground floor level shall be wrapped or screened in accordance with Section [26-54](#). However, the aggregate width of any such screening, excluding entrances and exits, shall not exceed 50 feet.

(c) Setback requirements

For all #Quality Housing buildings#, a setback shall be provided in accordance with the following regulations:

- (1) At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in paragraph (b) of this Section, 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#.
- (2) The depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.
- (3) Notwithstanding the provisions of paragraph (c)(2) above, the depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.
- (4) These setback provisions are optional for any #building# wall that either is 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 Section [23-621](#) (Permitted obstructions in certain districts) may penetrate a required setback area.
- (5) In R9D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height between grade level and 25 feet, a setback with a depth of at least 20 feet shall be provided from the #street line# fronting on such elevated rail line. The depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided.

23-663 - Tower regulations in R9D and R10X Districts

†

R9D R10X

In the districts indicated, any #Quality Housing 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 [23-651](#)), 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 [23-623](#) (Permitted obstructions in certain districts) shall not be counted towards 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 #street wall# location and height and setback provisions of Sections [23-661](#) and [23-662](#), respectively, and provided that the tower portion complies with the following, as applicable:

- (a) at all levels, such tower shall be 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#;
- (b) 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;
- (c) in R9D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of between 50 percent and 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (c), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building#, perpendicular to each tower face. Required setback areas may overlap; and
- (d) in R9D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel to, or within 45 degrees of being parallel to, such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

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

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 ¹	60	105	140	145	14
R8A	60	105	140	145	14
R8X	60	105	170	175	17
R9A ²	60	125	170	175	17
R9A ³	60	125	160	165	16
R9X ²	105	145	200	205	20
R9X ³	60	145	190	195	19
R10A ²	125	155	230	235	23

R10A ³	60	155	210	215	21
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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 ⁴	40	65	80	85	8
R7 ²	40	75	100	105	10
R7 ⁵	40	75	90	95	9
R8	60	105	140	145	14
R9 ²	60	125	170	175	17
R9 ³	60	125	160	165	16
R10 ²	125	155	230	235	23
R10 ³	60	155	210	215	21

- ¹ 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
- ² For #zoning lots# or portions thereof within 100 feet of a #wide street#
- ³ 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#
- ⁴ 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#
- ⁵ 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

23-665 - Additional regulations

LAST AMENDED
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, for all #Quality Housing buildings#, the following additional regulations 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 [23-661](#).
- (b) On #through lots# which extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section [23-661](#) shall be mandatory along only one #street# frontage.
- (c) The #street wall# location and minimum base height provisions of Sections [23-661](#) and [23-662](#), 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 [23-662](#) 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 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# in the manner prescribed in Section [23-661](#).

- (f) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the #street wall# location and minimum base height regulations of Sections [23-661](#) and [23-662](#), respectively, 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 [23-661](#), 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 this Section, provided that such height not exceed 150 feet and provided 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 [23-661](#), 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 R9D 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 [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents).
- (h) For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections [23-661](#) and [23-662](#), 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.