



## Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

# **23-15 - Open Space and Floor Area Regulations in R6 Through R10 Districts**

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## 23-15 - Open Space and Floor Area Regulations in R6 Through R10 Districts

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LAST AMENDED

3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building# containing #residences# shall comply with the #floor area ratio# and #lot coverage# regulations for #Quality Housing buildings# set forth in Section 23-153 (For Quality Housing buildings).

In R6, R7, R8, R9 and R10 Districts without a letter suffix, #buildings# containing #residences# may be #developed# or #enlarged# pursuant to the basic #floor area# and #open space# regulations set forth in Section 23-151 (Basic regulations for R6 through R9 Districts) or 23-152 (Basic regulations for R10 Districts), as applicable, or the regulations for #Quality Housing buildings# set forth in Section 23-153.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

The applicable #floor area ratio# for the district may be increased for #buildings# on #zoning lots# containing #affordable housing# or #affordable independent residences for seniors#, pursuant to Sections 23-154 (Inclusionary Housing) or 23-155 (Affordable independent residences for seniors), as applicable.

Special #lot coverage# provisions for shallow #zoning lots#, and #interior# or #through lots# within 100 feet of corners or located along the short dimension of the #block# are set forth in Section 23-156 (Special lot coverage provisions for certain interior or through lots).

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, 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, for #zoning lots# providing #affordable independent residences for seniors# and other #residential uses#, the total #floor area# allocated to #uses# other than #affordable independent residences for seniors# on the #zoning lot# shall not exceed the maximum #floor area ratio# permitted for #residential uses# set forth in Sections 23-151 or 23-153, as applicable. Furthermore, for such #zoning lots# providing #affordable independent residences for seniors# and other #residential uses# within R10 Districts or within #Inclusionary Housing designated areas#, the maximum #floor area ratio# on the #zoning lot# shall not exceed the base #floor area ratio# for the Inclusionary Housing Program set forth in Section 23-154 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING). #Zoning lots# used exclusively for #affordable independent residences for seniors# within R10 Districts or within #Inclusionary Housing designated areas# shall remain subject to the maximum #floor area ratios# set forth in Section 23-155.

### Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of the #floor area# regulations to

#zoning lots# with multiple #uses#, including #affordable independent residences for seniors#.

#### EXAMPLE 1

A #zoning lot# with a #lot area# of 50,000 square feet is being #developed# in an R7A District. The owner would like to include #residential uses# (other than #affordable independent residences for seniors#), #community facility uses# and #affordable independent residences for seniors# on the #zoning lot#.

Pursuant to Section 23-15 and Section 24-161, when #residential uses# and #community facility uses# are mixed on the same #zoning lot#, the maximum permitted #floor area# for each individual #use# shall be the amount set forth in Section 23-15 for #residential uses# (in R6 through R10 Districts), and the amount set forth in Section 24-11 for #community facility uses#. The sum of any combination of these #uses# cannot exceed the highest permitted #floor area# for a #use# provided on the #zoning lot#.

Individually, the permitted #residential floor area ratio# (except for #affordable independent residences for seniors#) is 4.0, pursuant to Section 23-153, the permitted #community facility floor area ratio# is 4.0, pursuant to Section 24-11, and the permitted #floor area ratio# for #affordable independent residences for seniors# is 5.01, pursuant to Section 23-155. The highest permitted #floor area# on the #zoning lot#, 5.01, is assigned to #affordable independent residences for seniors#, meaning that the maximum #floor area# on the #zoning lot# would be 250,500 square feet.

In addition, pursuant to Section 23-15, when other #residential uses# are mixed with #affordable independent residences for seniors# on the same #zoning lot#, the #floor area# allocated to such other #residential uses# cannot exceed the maximum #residential floor area ratio# of 4.0, or 200,000 square feet, as set forth in Section 23-153. In addition, pursuant to Section 24-161, the sum of all #residential floor area# - including both the #affordable independent residences for seniors# and other #residential uses# - cannot exceed the #floor area ratio# for #affordable independent residences for seniors#, which is the highest permitted #residential floor area ratio#. Any #community facility use# provided on the #zoning lot# will reduce the amount of #residential floor area# or #affordable independent residences for seniors floor area# on the #zoning lot#, or both.

Based on these mixing rules, the owner decides to construct the following: a 50,500 square foot #building# (1.01 #floor area ratio#) containing only an #affordable independent residence for seniors# and a second 200,000 square foot #building# with 50,000 square feet (1.0 #floor area ratio#) allocated to #community facility uses# and 150,000 square feet (3.0 #floor area ratio#) of #residential uses# (other than #affordable independent residences for seniors#).

In this second #building#, at a later time the #community facility floor area# could be #converted# to #residential floor area#, but under no conditions could the #building# containing #affordable independent residences for seniors# be changed to a #residence# not subject to the restrictions encompassed in the definition of #affordable independent residence for seniors# in Section 12-10.

#### EXAMPLE 2

A #zoning lot# within 100 feet of a #wide street# with a #lot area# of 50,000 square feet is being #developed# in an R7-2 District. The owner would like to include #affordable independent residences for seniors#, other #residential uses# and #community facility uses# on the #zoning lot#.

Pursuant to Sections 23-15 and 24-161, when #residential uses# and #community facility uses# are mixed on the same #zoning lot#, the maximum permitted #floor area# for each individual #use# shall be that set forth in Section 23-151 through 23-155 for #residential uses# in R6 through R10 Districts, and that set forth in Section 24-11 for #community facility uses#. The sum of any combination of these #uses# cannot exceed the highest permitted #floor area# for a #use# provided on the #zoning lot#.

Individually, the permitted #residential floor area ratio#, except for #affordable independent residences for seniors#, is 4.0 for a #Quality Housing building# pursuant to Section 23-153; the permitted #community facility floor area ratio# is 6.5 pursuant to Section 24-11; and the permitted #floor area ratio# for #affordable independent residences for seniors# is 5.01 pursuant to Section 23-155. The highest permitted #floor area ratio# on the #zoning lot# (6.5) is assigned to #community facility uses#, meaning the maximum #floor area# on the #zoning lot# would be 325,000 square feet. The owner wishes to provide 20 percent of #floor area# on the #zoning lot# as #affordable independent residences for seniors#, to utilize the additional height permitted pursuant to Section 23-664, and also wishes to maximize the amount of #residential uses# that can be constructed on the #zoning lot#. The owner will allocate the remaining #floor area ratio# on the #zoning lot# to #community facility uses#.

According to these priorities, a #floor area ratio# of 1.3 (6.5 x 20 percent), or 65,000 square feet, would be allocated to #affordable independent residences for seniors#. Pursuant to Section 23-15, when other #residential uses# are mixed with #affordable independent residences for seniors#, the #floor area# allocated to the other #residential uses# cannot exceed the #residential floor area ratio# and, pursuant to Section 24-161, the sum of both the #affordable independent residences for seniors# and the other #residential uses# cannot exceed the highest permitted #residential floor area ratio# of 5.01, which is the #floor area ratio# for #affordable independent residences for seniors#. This calculation would result in a #floor area ratio# of 3.71 (5.01 - 1.3 of #floor area ratio#), or 185,500 square feet being allocated to #residential uses# other than #affordable independent residences for seniors#. The remaining #floor area# on the #zoning lot#, which is to be allocated to #community facility uses#, would be equivalent to the difference between the #affordable independent residence for seniors floor area ratio# of 5.01 and the #community facility floor area ratio# of 6.5, which is a #floor area ratio# of 1.49, or 74,500 square feet.

Based on these figures, the owner decides to construct a 185,500 square foot or 3.71 #floor area ratio building# containing only #residential uses# (other than #affordable independent residences for seniors#) and a second 139,500 square foot, or 2.79 #floor area ratio building#, containing the #affordable independent residences for seniors# and #community facility uses#.

At a later time, the #floor area# allocated to #residences# in the first #building# can be converted to #community facility uses#, but in no event can the #residential floor area# be increased, because the maximum #floor area ratio# permitted for this #uses# has already been achieved. Similarly, under no conditions can the #floor area# in the #building# containing #affordable independent residences for seniors# be increased without reducing the amount of other #residential uses# contained within the first #building#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

In addition to complying with the provisions Section 23-15, all #zoning lots# shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units) as well as all other applicable #bulk# regulations as set forth in this Chapter.

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## **23-151 - Basic regulations for R6 through R9 Districts**

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LAST AMENDED  
3/22/2016

R6 R7 R8 R9

In the districts indicated without a letter suffix, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be determined by the #height factor# of such #zoning lot# as set forth in this Section.

### **MINIMUM REQUIRED OPEN SPACE RATIO AND MAXIMUM FLOOR AREA RATIO**

R6 through R9 Districts

| For #zoning<br>lots# with a<br>#height<br>factor# of | In R6 Districts                          |                                  | In R7 Districts                          |                                  | In R8 Districts                          |                                  | In R9 Districts                          |                                  |
|--|--|----------------------------------|--|----------------------------------|--|----------------------------------|--|----------------------------------|
|  | Min.<br>Req.<br>#Open<br>Space<br>Ratio# | Max.<br>#Floor<br>Area<br>Ratio# | Min.<br>Req.<br>#Open<br>Space<br>Ratio# | Max.<br>#Floor<br>Area<br>Ratio# | Min.<br>Req.<br>#Open<br>Space<br>Ratio# | Max.<br>#Floor<br>Area<br>Ratio# | Min.<br>Req.<br>#Open<br>Space<br>Ratio# | Max.<br>#Floor<br>Area<br>Ratio# |
| 1  | 27.5                                     | 0.78                             | 15.5                                     | 0.87                             | 5.9                                      | 0.94                             | 1.0                                      | 0.99                             |
| 2  | 28.0                                     | 1.28                             | 16.0                                     | 1.52                             | 6.2                                      | 1.78                             | 1.4                                      | 1.95                             |
| 3  | 28.5                                     | 1.62                             | 16.5                                     | 2.01                             | 6.5                                      | 2.51                             | 1.8                                      | 2.85                             |
| 4  | 29.0                                     | 1.85                             | 17.0                                     | 2.38                             | 6.8                                      | 3.14                             | 2.2                                      | 3.68                             |
| 5  | 29.5                                     | 2.02                             | 17.5                                     | 2.67                             | 7.1                                      | 3.69                             | 2.6                                      | 4.42                             |
| 6  | 30.0                                     | 2.14                             | 18.0                                     | 2.88                             | 7.4                                      | 4.15                             | 3.0                                      | 5.08                             |
| 7  | 30.5                                     | 2.23                             | 18.5                                     | 3.05                             | 7.7                                      | 4.55                             | 3.4                                      | 5.65                             |
| 8  | 31.0                                     | 2.30                             | 19.0                                     | 3.17                             | 8.0                                      | 4.88                             | 3.8                                      | 6.13                             |
| 9  | 31.5                                     | 2.35                             | 19.5                                     | 3.27                             | 8.3                                      | 5.15                             | 4.2                                      | 6.54                             |
| 10   | 32.0                                     | 2.38                             | 20.0                                     | 3.33                             | 8.6                                      | 5.38                             | 4.6                                      | 6.85                             |
| 11   | 32.5                                     | 2.40                             | 20.5                                     | 3.38                             | 8.9                                      | 5.56                             | 5.0                                      | 7.09                             |
| 12   | 33.0                                     | 2.42                             | 21.0                                     | 3.41                             | 9.2                                      | 5.71                             | 5.4                                      | 7.30                             |
| 13   | 33.5                                     | 2.43                             | 21.5                                     | 3.42                             | 9.5                                      | 5.81                             | 5.8                                      | 7.41                             |
| 14   | 34.0                                     | 2.43                             | 22.0                                     | 3.44                             | 9.8                                      | 5.92                             | 6.2                                      | 7.52                             |
| 15   | 34.5                                     | 2.43                             | 22.5                                     | 3.42                             | 10.1                                     | 5.95                             | 6.6                                      | 7.52                             |
| 16   | 35.0                                     | 2.42                             | 23.0                                     | 3.41                             | 10.4                                     | 5.99                             | 7.0                                      | 7.52                             |

|    |      |      |      |      |      |      |     |      |
|----|------|------|------|------|------|------|-----|------|
| 17 | 35.5 | 2.42 | 23.5 | 3.40 | 10.7 | 6.02 | 7.4 | 7.52 |
| 18 | 36.0 | 2.40 | 24.0 | 3.38 | 11.0 | 6.02 | 7.8 | 7.46 |
| 19 | 36.5 | 2.39 | 24.5 | 3.36 | 11.3 | 6.02 | 8.2 | 7.41 |
| 20 | 37.0 | 2.38 | 25.0 | 3.33 | 11.6 | 6.02 | 8.6 | 7.35 |
| 21 | 37.5 | 2.36 | 25.5 | 3.30 | 11.9 | 5.99 | 9.0 | 7.25 |

For #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

**OPEN SPACE RATIO FOR HIGH BUILDINGS**

| District | Minimum Required #Open Space Ratio# at #Height Factor# of 21 | Additional Required #Open Space Ratio# for each Additional #Height Factor# |
|----------|--|--|
| R6       | 37.5   | 0.5  |
| R7       | 25.5   | 0.5  |
| R8       | 11.9   | 0.3  |
| R9       | 9.0  | 0.4  |

For these #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.\*

\* The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

|        |   |        |   |      |
|--------|---|--------|---|------|
| 1      | = | O.S.R. | + | 1    |
| F.A.R. |   | 100    |   | H.F. |

**23-152 - Basic regulations for R10 Districts**

In R10 Districts, the #floor area ratio# on a #zoning lot# shall not exceed 10.0.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0.

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## 23-153 - For Quality Housing buildings

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LAST AMENDED  
9/7/2017

R6 R7 R8 R9 R10

In the districts indicated, for #Quality Housing buildings#, the maximum #floor area ratio# and maximum #residential lot coverage# for #interior lots# or #through lots# shall be as set forth in the table in this Section. The maximum #residential lot coverage# for a #corner lot# shall be 100 percent.

### MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO FOR QUALITY HOUSING BUILDINGS

| District                  | Maximum #Lot Coverage# for an #Interior Lot# or #Through Lot# (in percent) | Maximum #Floor Area Ratio# |
|---------------------------|--|----------------------------|
| R6                        | 60   | 2.20                       |
| R6 <sup>2</sup>           | 60   | 2.43                       |
| R6 <sup>1,3</sup> R6A R7B | 65   | 3.00                       |
| R6B                       | 60   | 2.00                       |
| R7                        | 65   | 3.44                       |
| R7 <sup>1</sup> R7A       | 65   | 4.00                       |
| R7D                       | 65   | 4.20                       |
| R7X                       | 70   | 5.00                       |
| R8 R8A R8X                | 70   | 6.02                       |
| R8 <sup>1</sup>           | 70   | 7.20                       |
| R8B                       | 70   | 4.00                       |

|         |    |       |
|---------|----|-------|
| R9 R9A  | 70 | 7.52  |
| R9D R9X | 70 | 9.00  |
| R10     | 70 | 10.00 |

- 1 for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#
- 2 for #zoning lots# in an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#
- 3 for #zoning lots# in an R6 District without a letter suffix the maximum #lot coverage# for any #MIH development# utilizing the height and setback provisions of paragraph (c) of Section 23-664 in Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017 in Community District 9 in the Borough of the Bronx and in Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.

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## 23-154 - Inclusionary Housing

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LAST AMENDED  
2/14/2018

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in paragraph (d) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

(a) R10 Districts outside of #Inclusionary Housing designated areas#

The #residential floor area ratio# of a #compensated zoning lot# may be increased from a base #floor area ratio# of 10.0 to a maximum #floor area ratio# of 12.0 at the rate set forth in this Section, if such #compensated zoning lot# provides #affordable housing# that is restricted to #low income floor area#.

For each square foot of #floor area# provided for a type of #affordable housing# listed in the table in this paragraph (a), the #floor area# of the #compensated zoning lot# may be increased by the amount of square feet set forth in the table, as applicable. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS



|                          |   |      |
|--------------------------|---|------|
| Without #public funding# | #New construction affordable housing# or #substantial rehabilitation affordable housing#                                    | 3.5  |
|                          | #Preservation affordable housing#   | 2.0  |
| With #public funding#    | #New construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# | 1.25 |

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this paragraph (b), except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table, as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

MAXIMUM RESIDENTIAL FLOOR AREA RATIO

| District                              | Base #floor area ratio# | Maximum #floor area ratio# |
|---------------------------------------|-------------------------|----------------------------|
| R6B                                   | 2.00                    | 2.20                       |
| R6 <sup>1</sup>                       | 2.20                    | 2.42                       |
| R6 <sup>2</sup> R6A R7-2 <sup>1</sup> | 2.70                    | 3.60                       |
| R7A R7-2 <sup>2</sup>                 | 3.45                    | 4.60                       |
| R7-3                                  | 3.75                    | 5.0                        |
| R7D                                   | 4.20                    | 5.60                       |
| R7X                                   | 3.75                    | 5.00                       |
| R8                                    | 5.40                    | 7.20                       |

|     |      |       |
|-----|------|-------|
| R9  | 6.00 | 8.00  |
| R9A | 6.50 | 8.50  |
| R9D | 7.5  | 10.0  |
| R9X | 7.3  | 9.70  |
| R10 | 9.00 | 12.00 |

<sup>1</sup> for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

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

(c) Special provisions for specified #Inclusionary Housing designated areas#

(1) Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

Within a #large-scale general development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (c)(1), inclusive, modify the provisions of paragraph (b) of this Section:

- (i) The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation# there is one square foot of #floor area compensation#, pursuant to paragraph (b) of this Section;
- (ii) However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (c)(1)(ii). If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income households# and #low income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (c)(1), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(2) Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens

Special provisions shall apply to #zoning lots# within a #large-scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

- (i) For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in paragraph (b) of this Section shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low-income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate-income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (c)(2)(i), inclusive, #low income floor area# may be considered #moderate income floor area# ; and
- (ii) The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2)(i) of this Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743 (Special provisions for bulk modification).

(3) Special provisions for #compensated zoning lots#

Special provisions shall apply to #compensated zoning lots# located within:

- (i) R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or
- (ii) the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

(d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

(1) Affordable housing requirement

Except where permitted by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements), or as provided in paragraph (d) (4) of this Section 23-154, no #residential development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall be permitted unless #affordable housing#, as defined in Section 23-911 (General definitions) is provided or a contribution is made to the #affordable housing fund#, as defined in Section 23-911, pursuant to the provisions set forth in paragraph (d)(3)(i) through (d)(3)(v) and (d)(5) of this Section, inclusive.

(2) Maximum #floor area ratio#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to the applicable zoning district in a #Mandatory Inclusionary Housing area#, except:

- (i) in an R6 District, without a letter suffix, the maximum #floor area ratio# shall be 3.6 in the following areas:
  - (a) Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in Community District 9

in the Borough of the Bronx; and

- (b) Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.
- (ii) in an R7-1 or R7-2 District, the maximum #floor area ratio# shall be 4.6, except that the maximum #floor area ratio# for an R7-2 District in a #Mandatory Inclusionary Housing area# in Community District 5, Borough of Brooklyn, mapped on or before April 20, 2016, shall be as set forth in paragraph (b) of this Section;
- (iii) in an R7-3 or R7X District, the maximum #floor area ratio# shall be 6.0; and
- (iv) in an R9-1 District the maximum #floor area ratio# shall be 9.0.

In addition, in R6, R7-1, R7-2, R8 and R9 Districts without a letter suffix, where the basic height and setback requirements are utilized pursuant to paragraph (b) of Section 23-952, the maximum #floor area ratio# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

For any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that is subject to the provisions of paragraph (d)(4) of this Section, the maximum #floor area ratio# for the applicable district outside of #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# shall apply.

(3) Options for compliance with affordable housing requirement

Options for compliance with the affordable housing requirement of paragraph (d)(1) of this Section are set forth in the following paragraphs (d)(3)(i) through (d)(3)(v). These options shall be applicable within #Mandatory Inclusionary Housing areas# as indicated in [APPENDIX F](#) of this Resolution. The Deep Affordability Option or the Workforce Option shall only be made applicable in combination with Option 1 or Option 2. Regardless of whether every option specified in this paragraph (d)(3), inclusive, is included in a land use application for applicability to a proposed #Mandatory Inclusionary Housing area# or as a term or condition of a special permit pursuant to this Resolution, all affordability options available under the provisions of this paragraph (d)(3), inclusive, shall be part of the subject matter of each such application throughout the land use review process. The Workforce Option shall not be applicable within the #Manhattan Core#. A #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall comply with either Option 1, Option 2, the Deep Affordability Option, the Workforce Option, or the Affordable Housing Fund Option, as applicable.

When a #building# containing #residences# is #enlarged#, the following shall be considered part of the #enlargement# for the purposes of this paragraph (d)(3), inclusive: #residential floor area# that is reconstructed, or #residential floor area# that is located within a #dwelling unit# where the layout has been changed.

(i) Option 1

For #MIH developments# utilizing Option 1, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 25 percent of the #residential floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 60 percent of the #income index#, and there shall be no more than three #income bands#. At least 10 percent of the #residential floor area# within such #MIH development# shall be

affordable within an #income band# at 40 percent of the #income index#, and no #income band# shall exceed 130 percent of the #income index#.

(ii) Option 2

For #MIH developments# utilizing Option 2, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 80 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#.

(iii) Deep Affordability Option

For #MIH developments# utilizing the Deep Affordability Option, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 20 percent of the #residential floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 40 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#. No #public funding# shall be utilized for such #MIH development# except where #HPD# determines that such #public funding# is necessary to support a significant amount of affordable housing that is in addition to the #affordable floor area# satisfying the requirements of this Section.

(iv) Workforce Option

For #MIH developments# utilizing the Workforce Option, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 115 percent of the #income index#, and there shall be no more than four #income bands#. No #income band# shall exceed 135 percent of the #income index#. At least 5 percent of the #residential floor area# within such #MIH development# shall be affordable within an #income band# at 70 percent of the #income index#, and in addition, at least five percent of the #residential floor area# within such #MIH development# shall be affordable within an #income band# at 90 percent of the #income index#. Such #MIH development# may not utilize #public funding#.

The Workforce Option shall expire within a #Mandatory Inclusionary Housing area# 10 years after the effective date of the amendment establishing or renewing such option in a #Mandatory Inclusionary Housing area#, as indicated in [APPENDIX F](#) of this Resolution. However, the Workforce Option shall apply to an #MIH development# that has filed an #MIH application# for such option prior to expiration of such option, provided that the #MIH development# complies with all provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment), inclusive. For the purposes of applying the provisions of Section 11-33, the effective date of applicable amendment shall be six months after the date of the expiration of the Workforce Option in such #Mandatory Inclusionary Housing area#.

The Workforce Option shall not be permitted to be utilized for any #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# within the #Manhattan Core#.

(v) Affordable Housing Fund option

A #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that

increases the number of #dwelling units# by no more than 25, and increases #residential floor area# on the #zoning lot# by less than 25,000 square feet, may satisfy the requirements of this Section by making a contribution to the #affordable housing fund#. The amount of such contribution shall approximate, using the best available data, the cost of providing the #affordable floor area# in the same Community District as the #MIH development#. A schedule setting forth the contribution amount for each affected Community District shall be established by #HPD# and shall be updated on an annual basis, as set forth in the #guidelines#.

(4) Exceptions

The requirements of paragraph (d) of this Section shall not apply to:

- (i) A single #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# of not more than 10 #dwelling units# and not more than 12,500 square feet of #residential floor area# on a #zoning lot# that existed on the date of establishment of the applicable #Mandatory Inclusionary Housing area# ;
- (ii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# containing no #residences# other than #affordable independent residences for seniors# ; or
- (iii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that is granted a full waiver of the requirements set forth in paragraph (d)(3), inclusive, of this Section by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

(5) Additional requirements where #affordable housing# is provided off-site

When #affordable floor area# is provided on an #MIH site# that is not an #MIH zoning lot# pursuant to paragraph (a) of Section 23-96 (Requirements for Generating Sites or MIH Sites), the amount of #affordable floor area# required pursuant to paragraphs (d)(3)(i) through (d)(3)(iv) of this Section shall be increased by an amount equal to five percent of the #residential floor area# within such #MIH development#, multiplied by the percentage of the #affordable floor area# that is provided on an #MIH site# that is not an #MIH zoning lot#. Such additional #affordable floor area# shall be provided for #qualifying households# at income levels that comply with the average #income bands# specified in paragraphs (d)(3)(i) through (d)(3)(iv) of this Section, as applicable to the #MIH development#.

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## **23-155 - Affordable independent residences for seniors**

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LAST AMENDED  
2/14/2018

R6 R7 R8 R9 R10

In the districts indicated, the maximum #floor area ratio# for #affordable independent residences for seniors# utilizing the Quality Housing #bulk# regulations shall be as set forth in the table in this Section.

In R6, R7, R8, R9 or R10 Districts without a letter suffix, the maximum #floor area ratio# and #open space ratio# for #affordable independent residences for seniors# utilizing the basic #bulk# regulations shall be as set forth for #residential uses# in Sections 23-151 (Basic regulations for R6 through R9 Districts) and 23-152 (Basic regulations for R10 Districts), as applicable.

MAXIMUM FLOOR AREA RATIO FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS IN QUALITY

## HOUSING BUILDINGS

| District      | Maximum #Floor Area Ratio# |
|---------------|----------------------------|
| R6 R6A R7B    | 3.90                       |
| R6B           | 2.20                       |
| R7 R7A        | 5.01                       |
| R7D           | 5.60                       |
| R7X           | 6.00                       |
| R8 R8A R8X    | 7.20                       |
| R8B           | 4.00                       |
| R9            | 8.00                       |
| R9-1          | 9.00                       |
| R9A           | 8.50                       |
| R9X           | 9.70                       |
| R9D           | 10.00                      |
| R10 R10A R10X | 12.00                      |

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### **23-156 - Special lot coverage provisions for certain interior or through lots**

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LAST AMENDED  
3/22/2016

R6 R7 R8 R9 R10

In the districts indicated, the maximum #lot coverage# set forth in Section 23-153 (For Quality Housing buildings), may be increased for shallow #zoning lots# in accordance with paragraph (a) of this Section, and may be increased for #interior# or #through lots# within 100 feet of corners or located along the short dimension of the #block#, in accordance with paragraph (b) of this Section.

(a) Shallow #zoning lots#

The maximum #lot coverage# for shallow #interior# or #through lots# may be increased as follows:

(1) For shallow #interior lots#

In the districts indicated, if an #interior lot# was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a #building permit#, and is less than 90 feet deep at any point, the maximum #lot coverage# of such #zoning lot#, or portion thereof, may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 90 feet. Where the #front lot line# or #rear lot line# of a #zoning lot# intersects a #side lot line# at an angle other than 90 degrees, the depth of such #zoning lot#, or portion thereof, shall be measured at the midpoint of such irregularly angled #lot line#.

(2) For shallow #through lots#

In the districts indicated, if a #through lot# was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a #building permit#, and is less than 180 feet deep at any point, the maximum #lot coverage# of such #zoning lot#, or portion thereof, may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 180 feet. Where the #front lot line# or #rear lot line# of a #zoning lot# intersects a #side lot line# at an angle other than 90 degrees, the depth of such #zoning lot#, or portion thereof, shall be measured at the midpoint of such irregularly angled #lot line#.

(3) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraphs (a)(1) and (a)(2) of this Section, the special #lot coverage# provisions of this Section may be applied to a #zoning lot#, or portion thereof, created after December 15, 1961, provided that the shallow lot condition was in existence on December 15, 1961, and subsequently such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

(4) For #zoning lots# with shallow portions

Where a portion of a #zoning lot# is less than 90 feet for an #interior lot#, or 180 feet for a #through lot#, an adjusted maximum #lot coverage# shall be established for the #zoning lot# by multiplying the maximum percent of #lot coverage# permitted for the shallow portion of the #zoning lot# established pursuant to paragraphs (a)(1) or (a)(2) of this Section by the percentage such portion constitutes of the #lot area# of the #zoning lot#, and by multiplying the maximum percent of #lot coverage# permitted for the non-shallow portion of the #zoning lot# established pursuant to Section 23-153 (For Quality Housing buildings) by the percentage such portion constitutes of the #lot area# of the #zoning lot#. The sum of the areas of #lot coverage# thus obtained shall be the adjusted maximum percent of #lot coverage# for the #zoning lot#.

(5) Maximum coverage

In no event shall the maximum #lot coverage# of an #interior lot# or #through lot# exceed 80 percent. Shallow portions of a #zoning lot# may exceed such maximum, so long as the adjusted maximum #lot coverage# set forth in paragraph (a)(4) of this Section complies with such maximum.

(b) Within 100 feet of corners or along the short dimension of the #block#



The maximum #lot coverage# for #interior# or #through lots#, or portions thereof, within 100 feet of the corner, or located along the short dimension of the #block#, may be increased as follows:

(1) Within 100 feet of the corner

In the districts indicated, for #interior# or #through lots#, or portions thereof, within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less, the maximum #lot coverage# shall be 100 percent.

(2) Along the short dimension of the block

In the districts indicated, whenever a #front lot line# of an #interior# or #through lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, the maximum #lot coverage# for such #zoning lot#, or portion thereof, shall be 100 percent within 100 feet of such #front lot line#.