



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **35-00 - APPLICABILITY AND DEFINITIONS**

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## 35-00 - APPLICABILITY AND DEFINITIONS

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LAST AMENDED  
12/15/1961

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### 35-01 - Applicability of this Chapter

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LAST AMENDED  
3/22/2018

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. The #bulk# regulations of this Chapter shall also apply in any #Commercial District# where there are multiple #buildings# on a single #zoning lot# and such #zoning lot# contains a #residential use# and either a #commercial# #use# or a #community facility# #use#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

However, in C3A Districts, except for #community facility# #uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall not apply, and the #bulk# regulations for R3A Districts of Article II, Chapter 3, shall apply to any #building# that is used partly for #community facility# #use# and partly for #residential use#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section [35-23](#).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts I and 2, the #conversion# of non-#residential# #floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

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### 35-011 - Quality Housing Program

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LAST AMENDED  
3/22/2016

- (a) In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, and the applicable provisions of Article II, Chapter 8 (Quality Housing Program). In C1 and C2 Districts mapped within R5D Districts, only those regulations of Article II, Chapter 8, as set forth in Section [28-01](#) (Applicability of this Chapter), shall apply.

- (b) In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix and in other #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied under the same conditions set forth in Sections [23-011](#), [35-22](#) and [35-23](#), provided that:
- (1) the entire #building# complies with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter; and
  - (2) the entire #building# complies with the applicable provisions of Article II, Chapter 8 (Quality Housing Program).
- (c) In C1 through C6 Districts, special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section [35-012](#) (Special provisions for certain community facility uses).
- (d) In #Commercial Districts#, for #Quality Housing buildings# in which at least 50 percent of the #dwelling units# are #income-restricted housing units#, or at least 50 percent of its total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section [73-623](#) (Bulk modifications for certain Quality Housing buildings on irregular sites).

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## **35-012 - Special provisions for certain community facility uses**

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LAST AMENDED  
3/22/2016

The provisions of this Section shall apply to #zoning lots# with #mixed buildings# containing #long-term care facilities#, or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

- (a) #Buildings# containing #long-term care facilities#
- (1) #Commercial Districts# with a residential equivalent of an R1 or R2 District  
  
In C1 or C2 Districts mapped within R1 or R2 Districts, where a #long-term care facility# is permitted pursuant to Section [74-901](#) (Long-term care facilities), the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section [33-121](#) (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section [74-902](#) (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).
  - (2) #Commercial Districts# with a residential equivalent of an R3 through R5 District  
  
In C1 or C2 Districts mapped within R3-2 Districts, or within R4 or R5 Districts without a letter or number suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:
    - (i) the #lot coverage# provisions of [23-144](#) shall not apply;
    - (ii) the minimum size of #dwelling unit# provisions of Section [23-23](#) shall not apply;

- (iii) the #yard# regulations of Sections [33-20](#) and [33-30](#) shall apply in lieu of Sections [23-40](#) and [23-50](#);
- (iv) in C1 or C2 Districts mapped within R3-2 Districts or in C3 Districts without a letter suffix, the height and setback provisions of Section [33-40](#) shall apply in lieu of Section [23-60](#); and
- (v) in C1 or C2 Districts mapped within R5 Districts or in C4-1 Districts, the provisions of paragraph (j)(2) of Section [23-631](#) shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.

In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit provisions of Section [74-903](#) (Certain community facility uses in R3 through R9 Districts and certain Commercial Districts).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section [35-23](#) (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, or in C3A Districts, the applicable #bulk# regulations of this Chapter shall apply to #mixed buildings# containing #long-term care facilities#. The maximum #floor area ratio# for such #long-term care facilities# shall be as set forth for certain #community facility# #uses# in paragraphs (d) and (e) of Section [33-121](#), as applicable, except as permitted by the Commission pursuant to Section [74-903](#).

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 District

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

- (i) in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;
- (ii) in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6;
- (iii) the minimum size of #dwelling unit# provisions of Section [23-23](#) shall not apply;
- (iv) the provisions of Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified by Section [35-532](#) (Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors); and
- (v) the provisions of Section [23-66](#) (Height and Setback Requirements for Quality Housing Buildings) shall be modified by Section [35-65](#).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section [35-23](#) shall be used to determine the applicable #residential bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit provisions of Section [74-903](#).

(4) Applicability of #affordable independent residences for seniors bulk# provisions

Where #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of applying such provisions, and the term #dwelling unit# shall include #dwelling units# and “rooming units”, as set forth in the Housing Maintenance Code.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

The provisions of Article III, Chapter 3 and this Chapter shall apply to #mixed buildings# containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special #bulk# provisions apply:

- (1) Special #floor area ratio# provisions for the portion of a #mixed building# that contains a philanthropic or non-profit institution with sleeping accommodations are set forth in paragraph (b) of Section [33-012](#) (Special provisions for certain community facility uses).
- (2) For #buildings# in C1 or C2 Districts mapped within R6 and R7-1 Districts, except for R6A and R6B Districts, containing both #residential uses# and philanthropic or non-profit institutions with sleeping accommodations, the provisions of Section [35-311](#) (Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts) shall not apply. In lieu thereof, the provisions of Section [35-31](#) (Maximum Floor Area Ratio) shall apply.

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, as modified by Section [35-65](#) (Height and Setback Requirements for Quality Housing Buildings), and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for #Quality Housing buildings# in Section [35-65](#), the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section [28-01](#) (Applicability of this Chapter).

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## **35-02 - Definitions**

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LAST AMENDED  
11/19/1987

Words in italics are defined in Section [12-10](#) (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.