



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

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).