



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **35-65 - Height and Setback Requirements for Quality Housing Buildings**

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## 35-65 - Height and Setback Requirements for Quality Housing Buildings

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LAST AMENDED

3/22/2016

C1 C2 C4 C5 C6

In the districts indicated, the #street wall# location provisions of Sections 35-651 and the height and setback provisions of Section 35-652, shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 35-652 may be increased pursuant to either the provisions of Section 35-653 (Tower regulations) or 35-654 (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 35-655. The height of all #buildings or other structures# shall be measured from the #base plane#.

In all such districts, the permitted obstructions provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

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### 35-651 - Street wall location

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LAST AMENDED

3/22/2016

C1 C2 C4 C5 C6

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

C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5X

- (a) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, the following shall apply:
- (1) at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Sections 35-652 and 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) existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less;

- (3) for #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#; and
- (4) where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

- (b) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1, C2, C4, C5 or C6 Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#:

- (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652 and 23-662, or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection, or, for #corner lots# with an angle of 75 degrees or less, at points 30 feet from their intersection.

In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.

- (2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is lower, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.
- (3) Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

C4-4L

- (c) In C4-4L Districts, the #street wall# location provisions of paragraph (a) of this Section shall apply along any #street# that does not contain an elevated rail line. For #zoning lots# bounded by a #street# containing an elevated rail line, the following regulations shall apply along the frontage facing the elevated rail line.

- (1) A sidewalk widening shall be provided along the entire #zoning lot# frontage of such #street# containing an elevated rail line. Such sidewalk widening shall have a depth of five feet, be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of

applying all regulations of Section 35-65, inclusive.

- (2) At least 70 percent of the #aggregate width of street walls# shall be located at the #street line# of the #street# containing the elevated rail line and extend to at least the minimum base height, or the height of the #building#, whichever is less, up to the maximum base height.

#### C6-3D

- (d) In the district indicated, and in C1 or C2 Districts when mapped within R9D Districts, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. In addition, the provisions of paragraphs (f)(2) through (f)(5) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply.

The following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#.

- (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.
- (2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is less, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.
- (3) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

#### C1 C2 C4 C5 C6

- (e) #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), (c) or (d) 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 from 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.

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## 35-652 - Maximum height of buildings and setback regulations

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LAST AMENDED

3/22/2016

C1 C2 C4 C5 C6

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 in paragraph (d) of this Section and 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 #Commercial Districts# mapped within, or with a residential equivalent of 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 in paragraphs (a) or (b) of this Section, and shall be provided in accordance with the provisions set forth in paragraph (c) of Section 23-662, except as modified in paragraph (c) below.

(a) Basic #building# heights

For #Quality Housing buildings#, the minimum and maximum base height, and maximum height of a #building or other structure# shall be as specified in paragraph (a) of Section 23-662 (Maximum height of buildings and setback regulations) for the #Residence District# within which such #Commercial District# is 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).

(b) Special heights in certain districts for #Quality Housing buildings# with #qualifying ground floors#

(1) Eligible #buildings#

Table 2 in paragraph (b) of Section 23-662 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) #Commercial Districts# mapped within, or with a residential equivalent of, 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#;
- (ii) #Commercial Districts# mapped within, or with a residential equivalent of, R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

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

For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of 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 #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, as defined in Section 37-311, #uses# on the first #story#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies in C1 or C2 Districts, Type 2 lobbies in C4, C5 or C6 Districts, entrances and exits to #accessory# parking spaces, and entryways to subway stations, where applicable, provided in accordance with Section 37-33 (Maximum Width of Certain Uses). #Accessory# off-street parking spaces on the ground floor shall be wrapped in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). Each ground floor level #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(ii) Along #secondary street frontages#

For #buildings# or portions thereof, with #secondary street frontage#, as defined in Section 37-311, #accessory# off-street parking spaces on the ground floor level shall be wrapped or screened in accordance with Section 37-35. However, the aggregate width of any such screening, excluding entrances and exits, shall not exceed 50 feet.

(c) Setback modifications

(1) In C6-3D Districts, the provisions for R9D Districts set forth in Section 23-662 shall apply, except that:

- (i) the setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#; and
- (ii) where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the following shall apply:

- (i) a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 25 feet or two #stories#, whichever is lower, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is lower; and
- (ii) dormers shall not be a permitted obstruction within such setback distance.

(d) Maximum height modifications

(1) In C6-3D and C6-4X Districts, the maximum base heights for the applicable residential equivalents may be exceeded in accordance with the tower regulations of Section 35-653.

(2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building# height for a #building# with a #qualifying ground floor# shall be 105 feet or ten #stories#, whichever is less. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 100 feet.

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## 35-653 - Tower regulations

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LAST AMENDED

3/22/2016

C6-3D C6-4X

In the districts indicated, any #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 23-65 (Tower Regulations), 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 23-621 (Permitted obstructions in certain districts) shall not be included in 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 provisions of Section 35-651 (Street wall location) and the setback provisions of Section 35-652 (Maximum height of buildings and setback regulations), and provided that the tower portion complies with the provisions of paragraphs (a), (b) and (c) of Section 23-663 (Tower regulations).

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## 35-654 - Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors

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LAST AMENDED

2/14/2018

C1 C2 C4 C5 C6

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

For all such #Quality Housing buildings#, the maximum base and #building# heights established in Sections 35-652 and 23-662 (Maximum height of buildings and setback regulations) shall be modified in accordance with the table in paragraph (b) of Section 23-664 for 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). Separate maximum #building# heights are set forth within such table for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#. However:

- (a) for C4-4L Districts, the maximum #building height# shall be increased to 115 feet for #buildings# with #qualifying ground floors#, or 11 #stories#, whichever is lower, for #buildings# with #non-qualifying ground floors#. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 110 feet; and
- (b) for such #Quality Housing buildings# in C1 or C2 Districts mapped within R6 through R8 Districts without a letter suffix or within an R9-1 District, or in other #Commercial Districts# with a residential equivalent of an R6 through R8 District without a suffix, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 need not apply to #buildings# on #zoning lots# that meet the criteria set forth in:
  - (1) paragraph (a)(3) of Section 23-664; or
  - (2) paragraph (a)(4) of Section 23-664 and such #zoning lots# are located within 150 feet of the types of transportation infrastructure listed in paragraphs (c)(2)(i) through (c)(2)(iv) of Section 23-664. Such 150-foot measurement shall be measured perpendicular to the edge of such infrastructure.

In lieu thereof, the alternative height and setback regulations set forth in paragraph (c) of Section 23-664 shall apply.

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## 35-655 - Additional regulations

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LAST AMENDED

3/22/2016

C1 C2 C4 C5 C6

In the districts indicated, for #Quality Housing buildings#, the following additional provisions 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 35-651.
- (b) On #through lots# that extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section 35-651 shall be mandatory along only one #street# frontage. However, in C4-4L Districts, such #street wall# location regulations shall apply along the frontage of any #street# containing an elevated rail line.
- (c) The #street wall# location and minimum base height provisions of Sections 35-651 and 35-652, 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 35-652 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 of a #development# or #enlargement# 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# of the #development# or #enlargement# in the manner prescribed in this Section.
- (f) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, 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 35-652, 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 Section 35-652, provided that such height not exceed 150 feet and provided that 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 35-651, 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 C6-3D 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 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).



- (h) For the purposes of applying the #street wall# location regulations of paragraph (b) of this Section, any #building# wall oriented so that lines perpendicular to it would intersect a #street line# at an angle of 65 degrees or less shall not be considered a #street wall#.
  
- (i) For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 35-651 and 35-652, 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.