



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **96-30 - OTHER AREAS**

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## 96-30 - OTHER AREAS

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LAST AMENDED  
5/14/2014

In Area C, the regulations of the underlying districts shall apply, except as otherwise set forth in this Section, inclusive. The boundaries of Northern Subarea C1 and Western Subarea C2 are shown on the District Map in Appendix A of this Chapter.

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## 96-31 - Special Regulations in R8 Districts

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LAST AMENDED  
6/25/2014

- (a) In R8 Districts, other than R8A Districts, in Western Subarea C2, including #Commercial Districts# mapped within such R8 Districts, the following special regulations shall apply:
- (1) the provisions of Sections [96-101](#) (Floor area regulations) and [96-104](#) (Height and setback regulations); and
  - (2) the provisions of Section [96-102](#) (Lot coverage regulations), except that for all portions of a #zoning lot# located in Other Areas and more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent of the portion of the #zoning lot# in Other Areas.

- (b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, the following special regulations shall apply:

(1) Inclusionary Housing Program

- (i) R8A Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas#, pursuant to Section [12-10](#) (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 5.4, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 7.2 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Sections [23-154](#) and [23-90](#). However, any units for which a #floor area# increase has been earned, pursuant to Section [23-154](#) shall be located within the #Special Clinton District#.

- (ii) Optional provisions for #affordable housing#

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, Eleventh Avenue, West 53rd Street and Tenth Avenue, the special optional regulations as set forth in paragraph (b)(1)(ii) of this Section, may modify the provisions of Section [23-154](#).

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 Section [23-154](#). However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. 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 #low income# and #middle 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 (b)(1)(ii), #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 #use# and #bulk# regulations for existing electrical utility substations

Electrical utility substations, operated for public utility purposes, existing on June 14, 2011, and located wholly or partially within the portion of Western Subarea C2 east of Eleventh Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section [54-40](#) (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

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## 96-32 - Special Regulations in R9 Districts

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LAST AMENDED  
4/16/2015

In R9 Districts in Western Subarea C2, the provisions of Section [23-66](#) (Height and Setback Requirements for Quality Housing Buildings) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section [35-65](#) (Height and Setback Requirements for Quality Housing Buildings) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section [23-011](#) (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section [23-011](#) shall apply.

(a) Inclusionary Housing Program

- (1) R9 Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas# pursuant to Section [12-10](#) (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 6.0, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 8.0 through the provision of #affordable housing#,

pursuant to the provisions relating to #Inclusionary Housing designated areas# in Sections [23-154](#) (Inclusionary Housing) and [23-90](#). However, any units for which a #floor area# increase has been earned pursuant to Section [23-154](#) shall be located within the #Special Clinton District#.

(2) Optional provisions for #large-scale general developments# within Western Subarea C2

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, Eleventh Avenue, West 53rd Street and Tenth Avenue, the special optional regulations as set forth in paragraph (a)(2) of this Section may modify the provisions of Section [23-154](#).

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 Section [23-154](#). However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. 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 #low income households# and #middle 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 (a)(2), #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#.

(b) #Uses# in Western Subarea C2 located within a #large-scale general development#

(1) In a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses#:

From Use Group 8:

Lumber stores, with no limitation on #floor area#

From Use Group 10:

Photographic or motion picture production studios

From Use Group 12:

Art galleries, commercial

From Use Group 13:

Theaters

From Use Group 16:

## Automotive service establishments

From Use Group 17:

Scenery construction.

- (2) #Uses# permitted pursuant to paragraph (b)(1) shall be subject to the #commercial# #bulk# regulations of Article III, that are applicable to a C2-5 District mapped within an R9 District.
- (3) The supplemental #use# provisions of Section [32-421](#) shall not apply to #commercial# #uses# located in a #building# with frontage on West 52nd Street.

### (c) Height and setback modification

For any #development# or #enlargement# subject to the provisions of Section [74-681](#) (Development within or over a railroad or transit right-of-way or yard), the City Planning Commission may permit the modification of the applicable height and setback regulations, the open area planting requirements of Section [23-892](#) (In R6 through R10 Districts), and the permitted obstructions in #rear yard# or #rear yard equivalent# regulations of Section [23-44](#), provided that:

- (1) such modification of height and setback regulations will:
  - (i) result in a #building# that has a maximum #building# height of 155 feet;
  - (ii) result in a better distribution of #bulk# on the #zoning lot#; and
  - (iii) permit adequate access of light and air to surrounding #streets# and adjacent properties;
- (2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and the area between the #street wall# and #street line# of the #buildings# shall be improved with moveable planters; and
- (3) any obstruction permitted in a #rear yard# or #rear yard equivalent# pursuant to this Section is necessary to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that is expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area.

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## 96-33 - Special Regulations in M2-4 Districts

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LAST AMENDED  
6/14/2011

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## 96-331 - Adult establishments

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LAST AMENDED  
6/14/2011

The provisions of Section [52-77](#) (Termination of Adult Establishments) shall not apply to any #adult establishment# that located within the #Special Clinton District# after October 25, 1995, and prior to May 11, 2011, and which, as of May 11, 2011,

and June 14, 2011, was an existing #use# and conformed to all provisions of Section [42-01](#) (Special Provisions for Adult Establishments) applicable to M2-4 Districts.

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## 96-332 - Height and setback

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LAST AMENDED

6/14/2011

In M2-4 Districts in Western Subarea C2, the underlying height and setback regulations shall apply as modified by the following special #bulk# regulations.

For all #buildings or other structures#, the #street wall# of a #building# shall rise without setback to a minimum base height of 50 feet, or the height of the #building#, whichever is less, and a maximum base height of 95 feet. No portion of a #building# shall exceed a height of 135 feet and no #sky exposure plane# shall apply.

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height.

On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, 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 that, 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.

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## 96-34 - Special Regulations in Northern Subarea C1

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LAST AMENDED

9/14/2016

Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, are subject to the special #use# regulations of this Section. In addition, the special Inclusionary Housing regulations set forth in this Section shall apply in Area C1-1.

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in APPENDIX F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section [12-10](#) (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section [23-90](#), inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential# #floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum

#floor area# set forth in Section [23-154](#) (Inclusionary Housing). However, the amount of #low income floor area# plus half the amount of #middle 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# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

In Special Use Regulations Areas C1-1 and C1-2, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

- (1) automobile showrooms or sales with preparation of automobiles for delivery; and
- (2) automobile repairs.