



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

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Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

34-00 - APPLICABILITY AND DEFINITIONS

LAST AMENDED

7/26/2001

34-01 - Applicability of This Chapter

LAST AMENDED

3/22/2018

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. 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, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply to #residential buildings#.

In C4-4L Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for C4-4L Districts in Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall apply to #residential buildings#.

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 34-112.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 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 new #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.

34-011 - Quality Housing Program

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, #residential buildings# shall comply

with applicable #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, except as modified by Section [34-20](#) (EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS). In addition, #Quality Housing buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

- (b) In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix or 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# set forth in paragraph (a) of this Section may, as an alternative, be applied to a #building# under the same conditions set forth in Sections [23-011](#) and 34-112.
- (c) 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).

34-02 - Definitions

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.

34-10 - APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

LAST AMENDED
12/15/1961

34-11 - General Provisions

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations of Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections [34-21](#) through [34-24](#), relating to Exceptions to Applicability of Residence District Controls.

34-111 - Residential bulk regulations in C1 or C2 Districts whose bulk is governed by surrounding Residence District

LAST AMENDED
12/15/1961

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence District# within which such #Commercial Districts# are mapped apply, except that when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts

apply.

34-112 - Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

LAST AMENDED

3/22/2016

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table:

Districts	Applicable #Residence District#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2
C1-6A C2-6A C4-4A C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C6-3	R9
C1-8A C2-7A C6-3A	R9A
C6-3D	R9D

C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X

34-113 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
10/17/2007

- (a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which no #floor area# bonus has been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received, by certification pursuant to Section [37-73](#) (Kiosks and Open Air Cafes).

- (c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section [37-727](#) (Hours of access).

- (d) Elimination or reduction in size of existing public open areas

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section [74-761](#) (Elimination or reduction in size of bonused public amenities).

34-20 - EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS

LAST AMENDED
12/15/1961

34-21 - General Provisions

LAST AMENDED
7/26/2001

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# as set forth in Section [34-11](#) (General Provisions) are modified by the provisions of Sections [34-22](#) (Modification of Floor Area and Open Space Regulations), [34-23](#) (Modification of Yard Regulations) and [34-24](#) (Modification of Height and Setback Regulations). The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

34-22 - Modification of Floor Area and Open Space Regulations

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section [23-10](#) (OPEN SPACE AND FLOOR AREA REGULATIONS), inclusive, and made applicable to such districts in Section [34-11](#) (General Provisions), are modified as set forth in this Section.

34-221 - Maximum floor area ratio

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# on a #zoning lot# shall be the applicable maximum #floor area ratio# permitted pursuant to the provisions of Article II, Chapter 3, except as provided for in the following Sections:

Section [34-223](#) (Floor area bonus for a public plaza)

Section [34-224](#) (Floor area bonus for an arcade)

Section [34-225](#) (Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan).

34-222 - Change of use

LAST AMENDED
6/12/1996

C1 C2 C3 C4 C5 C6

A non-#residential use# occupying a #building#, or portion thereof, that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on minimum required #open space ratio# and maximum #floor area ratio# shall not apply to such change of #use#.

34-223 - Floor area bonus for a public plaza

LAST AMENDED

2/2/2011

C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

In the districts indicated, except for #Quality Housing buildings#, for each square foot of #public plaza# provided in accordance with the provisions of Section [37-70](#), inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section [23-15](#) (Open Space and Floor Area Regulations in R6 Through R10 Districts) may be increased by six square feet.

34-224 - Floor area bonus for an arcade

LAST AMENDED

2/2/2011

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

In the districts indicated, except for #Quality Housing buildings#, for each square foot of #arcade# provided in accordance with the provisions of Section [37-80](#) (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section [23-15](#) (Open Space and Floor Area Regulations in R6 Through R10 Districts) may be increased by three square feet.

34-225 - Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan

LAST AMENDED

3/22/2016

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section [23-16](#) (Special Floor Area and Lot Coverage Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential# #floor area ratio# may be increased pursuant to the Inclusionary Housing provisions of Sections [23-154](#) and [23-90](#).

34-23 - Modification of Yard Regulations

LAST AMENDED

7/26/2001

34-231 - Modification of front yard requirements

LAST AMENDED

7/26/2001

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section [34-233](#) (Special provisions applying along district boundaries), no #front yard# shall be required for any #residential building#.

34-232 - Modification of side yard requirements

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LAST AMENDED
12/6/2023

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section [34-233](#) (Special provisions applying along district boundaries), no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided, such open area shall have a width of not less than eight feet. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), inclusive, shall be permitted in such open areas.

34-233 - Special provisions applying along district boundaries

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

(a) In the districts indicated, if a #Commercial District# boundary coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District and a #side lot line# of any adjoining #zoning lot# in such #Commercial District#, a #front yard# is required for the portion of such #zoning lot# in the #Commercial District# within 25 feet of the district boundary. The depth of such #front yard# shall be equal to the required depth of a #front yard# in the adjacent #Residence District#.

C1 C2 C3 C4 C5 C6

(b) In the districts indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# with a width of at least eight feet is required for a #residential building# on a #zoning lot# within the #Commercial District#.

In addition, the provisions of paragraph (e) of Section [34-24](#) shall apply to such #building#.

34-24 - Modification of Height and Setback Regulations

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section [34-11](#) (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

(a) Application of #sky exposure planes#

In the districts indicated, except as set forth in paragraph (a) of Section [34-233](#) (Special provisions applying along district boundaries), no #front yard# is required for any #residential building# in a #Commercial District#. Therefore, in

applying the height and setback regulations in a #Commercial District#, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. In cases where the provisions of paragraph (a) of Section [34-233](#) apply, the #sky exposure plane# is measured from a point above the #front yard line#.

C1 C2

- (b) When mapped within R3 or R4A Districts

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for #residential buildings#.

- (c) When mapped within R4, R4-1 or R4B Districts

In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for #residential buildings#.

C4-2F C4-4 C4-5 C4-6 C4-7 C5 C6

- (d) Special provisions for narrow #buildings#

In the districts indicated, the provisions of Section [23-692](#) (Height limitations for narrow buildings or enlargements) shall apply, subject to the additional rules and exceptions therein, only to #Quality Housing buildings#. However, in such districts, the #street wall# location provisions of paragraph (4) of Section [23-692](#) shall not apply.

C1 C2 C3 C4 C5 C6

- (e) Special provisions applying along district boundaries

The portion of a #Quality Housing building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the provisions of Section [23-693](#) (Special provisions applying adjacent to R1 through R6B Districts).

C1 C2 C4 C5 C6

- (f) For #Quality Housing buildings#

In the districts indicated, for #buildings# utilizing the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, the height and setback provisions of Section [23-66](#) (Height and Setback Requirements for Quality Housing Buildings) shall be modified by the provisions of Section [35-65](#), and, for #buildings# containing #affordable independent residences for seniors#, the permitted obstructions set forth in Section [23-44](#) shall be modified by the provisions of Section 35-532.