



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

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Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

35-00 - APPLICABILITY

LAST AMENDED
12/5/2024

35-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

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.

35-02 - Applicability in Special Situations

LAST AMENDED
12/5/2024

The conversion of non-**residential floor area** to **residences** shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such **conversions** meet the requirements for **residential developments** of Article II (Residence District Regulations).

Existing **buildings** or other structures that are **non-complying buildings** or other structures or existing **buildings** where an **enlargement**, **conversion**, **extension**, change of **use** or other alternation would create a **non-compliance** with the applicable **bulk** regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to **large-scale residential developments** or **large-scale community facility developments** are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to **large-scale general developments** are set forth in Section [74-74](#).

Any **development** or **enlargement** that occurs on or over a **railroad right-of-way**, or the inclusion of a **railroad right-of-way** in the **lot area** of a **zoning lot** less than one and a half acres, and that is not **accessory** to such **railroad right-of-way**, shall be certified by the Chairperson of the City Planning Commission pursuant to Section [75-41](#). In addition, the **development** or **enlargement** of a **building** on a **zoning lot** greater than one and a half acres that includes a **railroad right-of-way** or **former railroad right-of-way**, where such **building** is not **accessory** to a **railroad right-of-way**, may be permitted by the Commission pursuant to Section [74-61](#).

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

35-03 - Applicability to Specific Districts

LAST AMENDED
12/5/2024

In C3A Districts, the #bulk# regulations of this Chapter shall not apply. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply.

35-04 - Applicability of Certain Bulk Regulations

LAST AMENDED
12/5/2024

Special rules governing optional #bulk regulations# affecting one or more #bulk# parameters are set forth in Section [35-80](#) (ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS), inclusive.

These optional #bulk# provisions include alternative rules for #sky exposure plane buildings#, as set forth in Section [35-81](#), inclusive. Where any of such optional provisions are utilized, all the other associated #bulk# provisions shall apply.

35-10 - GENERAL PROVISIONS

LAST AMENDED
2/2/2011

Except as otherwise provided in this Chapter, the portions of a #building# used for #residential use# are subject to the #bulk# regulations set forth in Article II, Chapter 3, and the portions of a #building# used for #commercial# or #community facility# #use# are subject to the #bulk# regulations set forth in Article III, Chapter 3.

Special provisions applying to #mixed buildings# or #zoning lots# with multiple #buildings# subject to the provisions of this Chapter are set forth in Sections [35-20](#) (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), inclusive, [35-30](#) (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive, [35-40](#) (APPLICABILITY OF DENSITY REGULATIONS), inclusive, [35-50](#) (MODIFICATION OF YARD REGULATIONS) and [35-60](#) (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

35-20 - APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

LAST AMENDED
2/2/2011

35-21 - General Provisions

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations set forth in Article II, Chapter 3 shall apply to all #residential# portions of #buildings# in accordance with the provisions and modifications set forth in the remaining Sections of this Chapter. The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

35-22 - Residential Bulk Regulations in C1 or C2 Districts Whose Bulk Is Governed by Surrounding Residence District

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LAST AMENDED
12/5/2024

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 Districts# within which such #Commercial Districts# are mapped apply to #residential# portions of #buildings#, except that:

- (a) on #qualifying residential sites# within the #Greater Transit Zone#, where such districts are mapped within R1 through R5 Districts, the #bulk# regulations for R5 Districts without a letter suffix shall apply; and
- (b) on non-#qualifying residential sites#, where such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply.

Such district modifications shall apply for the purposes of applying the provisions of Article II, Chapter 3, and the remaining provisions of this Chapter, unless otherwise specified.

35-23 - Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

LAST AMENDED
12/5/2024

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

In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #residential equivalent# of the #Commercial District# set forth in Section 34-112.

35-24 - Applicability of Residential Bulk Rules to Non-residential Portions of Mixed Buildings

LAST AMENDED
12/5/2024

For the non-#residential# portion of #mixed buildings# or for #commercial# or #community facility# #buildings# on the same #zoning lot# as #residences#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

- (a) Height and setback
 - (1) In #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District with a letter suffix, the height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#) (MODIFICATION OF HEIGHT AND

SETBACK REGULATIONS), inclusive.

- (2) In all other #Commercial Districts#, the #residential# height and setback regulations may be applied as follows:
- (i) the height and setback regulations of Section [23-42](#) (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of, an R1 through R5 District, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#), inclusive; or
 - (ii) the height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of, an R6 through R12 District without a letter suffix, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#), inclusive.

(b) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential# #bulk# regulations may also be applied to the entire #building#:

- (1) the #rear yard#, #rear yard equivalent# and open area along #side lot line# requirements of Section [23-30](#), inclusive, applicable to a #multiple dwelling residence#; and
- (2) for #community facility# #uses# with sleeping accommodations:
 - (i) the special #floor area# allowances of Section [23-23](#), inclusive;
 - (ii) the #court# regulations of Section [23-35](#), inclusive; and
 - (iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section [23-37](#).

Any obstructions permitted within a specific open area pursuant to Section [23-30](#), inclusive, shall also be permitted.

Where a particular #bulk# regulation of Article II, Chapter 3 is applied, it shall supersede the applicable regulations of Article III, Chapter 5.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.

35-30 - APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

LAST AMENDED
2/2/2011

35-31 - Maximum Floor Area Ratio

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility# #use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, except as set forth in Section [35-30](#) (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive. The total of all such #floor area ratios# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#, except where explicitly stated otherwise. Special rules for certain areas are set forth in Section [35-36](#) (Special Floor Area Ratio and Related Bulk Provisions for Certain Areas).

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

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

35-32 - Maximum Floor Area for Mixed Buildings on Qualifying Residential Sites

LAST AMENDED
12/5/2024

On #qualifying residential sites#, subject to the individual maximum #floor area ratios# for #commercial#, #community facility# and #residential uses#, the maximum #floor area ratio# for a #zoning lot# with #buildings# containing #residential# and non-#residential uses#, shall be as set forth in this Section.

Within the #Greater Transit Zone#, the maximum #floor area ratio# shall be 2.50.

Outside the #Greater Transit Zone#, the maximum #floor area ratio# shall be as set forth for the applicable #Residence District# the #Commercial District# is mapped within, or the #residential equivalent# of such #Commercial District#.

MAXIMUM FLOOR AREA RATIO FOR MIXED BUILDINGS OUTSIDE THE GREATER TRANSIT ZONE

District	Maximum #floor area ratio# for #zoning lot#
R1 R2 R3-1 R3A R3X	1.50
R3-2	1.60
R4	2.00
R5	2.50

35-33 - Maximum Floor Area and Special Provisions for Mixed Buildings or Zoning Lots With Multiple Buildings Containing Community Facility Use in Certain Districts

LAST AMENDED
12/5/2024

C1 C2

In C1 and C2 Districts mapped within R6 Districts without a letter suffix, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility# #uses# are located within the same #building#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with

sleeping accommodations.

- (a) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# greater than set forth in Column A in the following table, the maximum such ratio for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table, and the maximum such ratio for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

	COLUMN A	COLUMN B
District	Maximum Ratio of #Floor Area# in #Building# to #Lot Area#	Maximum Ratio of #Floor Area# in #community facility# #use# to #Lot Area#
C1 or C2 mapped in R6	2.5	1.0
C1 or C2 mapped in R7-1	3.5	1.0

- (b) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# that do not exceed the applicable ratio set forth in Column A in the table in paragraph (a) of this Section, the maximum #floor area ratio# for the #community facility# portion of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.
- (c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph, (c), shall apply to any #building# that does not contain both #community facility# and #residential uses#. The maximum #floor area ratio# permitted for the #commercial# or #community facility# portions of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d).
- (d) The total #floor area ratio# permitted for #commercial# or #community facility# #use# on the #zoning lot# shall be as set forth in Article III, Chapter 3, and the total #floor area ratio# permitted for #residential use# on the #zoning lot# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

35-34 - Existing Public Amenities for Which Floor Area Bonuses Have Been Received

LAST AMENDED

12/5/2024

- (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 a #floor area# bonus has not 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 area

In all #Commercial Districts#, the City Planning 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 amenity

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).

35-35 - Floor Area Bonus for a Public Plaza or Arcade

LAST AMENDED
12/5/2024

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-11 C4-12 C5 C6

In the districts indicated, and in C1 and C2 Districts mapped within R9 through R12 Districts, #floor area# bonus provisions for #public plazas# and #arcades# shall apply as set forth in this Section. Any #floor area# bonus for a #public plaza# or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #building# may be applied, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C4-11A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A

(a) Prohibition of #public plaza# and #arcade# bonuses

In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A, R10X or R11A Districts, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

C1-8 C1-9 C2-7 C2-8

(b) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 through R12 Districts, the bonus provisions of Section [33-13](#) shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

- (c) In the districts indicated, except C6-4X Districts, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# provided in accordance with Section [37-70](#), inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section [23-22](#) (Floor Area Regulations for R6 Through R12 Districts) may be increased by six square feet.

C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

- (d) In the districts indicated, if 50 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Sections [33-13](#) and [33-14](#) shall apply.

C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9 C6-12

- (e) In the districts indicated, the provisions of Sections [33-13](#) and [33-14](#) shall apply.

C6-4X

- (f) In the district indicated, if all #dwelling units# in the #building# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section [33-13](#) shall apply.

35-351 - Arcades

LAST AMENDED
12/5/2024

C1-8 C1-9 C2-7 C2-8

- (a) In the districts indicated, or in C1 or C2 Districts mapped within R9 through R12 Districts, the provisions of Section [33-14](#) shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-11 C4-12 C5 C6

- (b) In the districts indicated, the provisions of Section [33-14](#) (Floor Area Bonus for Arcades) shall apply.

35-36 - Special Floor Area Ratio and Related Bulk Provisions for Certain Areas

LAST AMENDED
12/5/2024

35-361 - Special tower provisions

LAST AMENDED
12/5/2024

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable

tower regulations of paragraph (c) of Section [35-632](#), the provisions of Section [23-241](#) (Special tower provisions) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

35-362 - Special provisions for certain Community Districts

LAST AMENDED

12/5/2024

Borough of the Bronx

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the #floor area ratio# shall be that for an R9-1 District set forth in Section [23-22](#) (Floor Area Regulations for R6 Through R12 Districts).

35-40 - APPLICABILITY OF DENSITY REGULATIONS

LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# on a #zoning lot# shall be as set forth in Section [23-50](#) (DENSITY REGULATIONS). The maximum #residential# #floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section [35-30](#) (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS).

35-50 - MODIFICATION OF YARD REGULATIONS

LAST AMENDED

3/22/2016

In #mixed buildings# with differing #yard# or #rear yard equivalent# requirements for different #uses#, the applicable #residential# #yard# and #rear yard equivalent# regulations shall apply at the lowest #story# containing #dwelling units# with windows facing onto such #residential# #yard# or #rear yard equivalent#, as applicable.

35-51 - Modification of Front Yard Requirements

LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required.

35-52 - Modification of Side Yard Requirements

LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #side yard# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections [23-311](#) and [23-312](#) shall be permitted in such open areas.

35-53 - Modification of Rear Yard Requirements

LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential# #rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, shall be permitted, pursuant to Section [23-41](#) (Permitted Obstructions), inclusive.

35-60 - MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

LAST AMENDED

12/5/2024

Height and setback regulations are set forth in Section [35-62](#) for #Commercial Districts# mapped within, or with a #residential equivalent# of, an R1 through R5 District and Section [35-63](#) inclusive, for #Commercial Districts# mapped within or with a R6 through R12 District. Special regulations governing certain areas are set forth in Section [35-64](#), inclusive. Permitted obstructions to maximum heights are set forth in Section [35-61](#).

35-61 - Permitted Obstructions

LAST AMENDED

12/5/2024

In all #Commercial Districts#, the provisions of Section [33-42](#) (Permitted Obstructions) shall apply to any #building or other structure#. In addition, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section [23-413](#) (Permitted obstructions in certain districts).

35-62 - Height and Setback Requirements in Commercial Districts With R1 Through R5 Equivalency

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LAST AMENDED

In #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 District, for the purposes of applying the provisions of Section [23-42](#) (Height and Setback Requirements in R1 Through R5 Districts), inclusive, the applicable #Residence District# regulations shall apply, including as modified by the provisions of Section [35-22](#) (Residential Bulk Regulations in C1 or C2 Districts Whose Bulk Is Governed by Surrounding Residence District).

However, for non-#qualifying residential sites#:

- (a) located within R3 and R4 Districts, the height and setback regulations for R4 Districts without a letter or number suffix shall apply; and
- (b) located within R5A or R5B Districts, the height and setback regulations for R5 Districts without a letter suffix shall apply.

Furthermore, for the purposes of applying the provisions of Section [23-423](#) (Standard setback regulations), for #building# #street walls# fronting a #street# where a #Commercial District# is mapped along the entire #block# frontage, for the portion of such #street wall# that exceeds the maximum base height, a setback shall be provided at a height not lower than a minimum base height of 20 feet and not higher than the maximum base height set forth in Section [23-424](#) (Height and setback requirements for qualifying residential sites).

Additional height and setback provisions are set forth in Section [35-64](#) (Special Provisions for Certain Areas), inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#.

35-63 - Height and Setback Requirements in Commercial Districts with R6 Through R12 Equivalency

LAST AMENDED

12/5/2024

C1 C2 C4 C5 C6

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts, the #street wall# location of a #building# shall be as set forth in Section [35-631](#), and the height and setback provisions shall be as set forth in Section 35-632. Additional height and setback provisions are set forth in Section [35-633](#) and Section [35-64](#), inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#.

35-631 - Street wall location

LAST AMENDED

12/5/2024

C1 C2 C4 C5 C6

In the districts indicated, the applicable #street wall# location provisions of this Section shall apply. Such provisions shall apply to the portion of a #street wall# located below the maximum base height and before the required setback as set forth in Section [23-432](#) (Height and setback requirements).

(a) Line-up rules

For #Commercial Districts# mapped within, or with a #residential equivalent# of, R8 through R12 Districts, when located within the #Manhattan Core#, the following #street wall# location provisions shall apply along #wide streets#:

- (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 [23-432](#), or the height of the #building#, whichever is less. 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.
- (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 (a)(1) of this Section.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section [23-431](#) may be applied.

(b) Percentage-based rules

For all #buildings# that are not subject to the provisions of paragraph (a) of this Section the following shall apply:

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 [23-432](#), 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#.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section [23-431](#) may be applied.

(c) Modifications for large #zoning lots#

Notwithstanding the provisions of paragraphs (a) or (b) of this Section, for #street walls# on #buildings# on a #zoning lot# that has a #lot area# of at least 40,000 square feet or occupies an entire #block#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and extend to at least the minimum base height specified in Section [23-432](#), or the height of the #building#, whichever is less.

(d) Articulation allowances

In all districts, and along all frontages, #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) or (c) 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 to 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.

35-632 - Maximum height of buildings and setback regulations

LAST AMENDED

12/5/2024

C1 C2 C4 C5 C6

In the districts indicated, where mapped within, or with a #residential equivalent# of an R6 through R12 district, the height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied in accordance with the provisions set forth in this Section.

(a) Height and setback requirements

The minimum base height, maximum base height and maximum #building# height shall be as set forth in the table in Section [23-432](#) for the applicable #Residence District#. Separate maximum base heights and maximum #building# heights are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#. For portions of a #building# #street wall# that exceed the maximum base height, a setback shall be provided at a height not lower than the minimum base height or higher than the maximum base height, in accordance with Section 23-433.

(b) Height and setback modifications on eligible sites

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 without a letter suffix, for #zoning lots# meeting the criteria of paragraph (a) of Section [23-434](#), the maximum #building# heights may be increased in accordance with the table in Section [23-434](#) for the applicable #Residence District#.

(c) Tower regulations

In #Commercial Districts# mapped within, or with a #residential equivalent# of R9 through R12 Districts, other than R9A, R9X, R10A or R11A Districts, as an alternative to the maximum #building# heights set forth in Sections [23-432](#), towers shall be permitted pursuant to the provisions of Section 23-435.

35-633 - Additional height and setback provisions

LAST AMENDED

12/5/2024

The additional height and setback regulations set forth in Section [23-436](#) shall apply, except as follows:

(a) for the purposes of applying such provisions, references to the #street wall# location provisions of Section [23-431](#) shall be

superseded by those of Section [35-631](#); and

- (b) for the purposes of applying the #street wall# modifications on #corner lots#, where a #zoning lot# is bounded by only one #street line# along a #street# frontage where a #Commercial District# is mapped along the entire #block# frontage, the #street wall# shall be applied along such frontage.

35-64 - Special Provisions for Certain Areas

LAST AMENDED

12/5/2024

35-641 - Special tower provisions

LAST AMENDED

12/5/2024

C1 C2 C4 C5 C6

The tower provisions of Section [23-435](#) shall be modified in certain areas, as follows:

- (a) In #Commercial Districts# mapped within, or with a #residential equivalent# of, an R9D or R10X District, the provisions of paragraph (a) of Section [23-441](#) shall apply.
- (b) In C1 or C2 Districts mapped within R9 or R10 Districts without a letter suffix, or in C1-8, C1-9, C2-7 or C2-8 Districts, for #mixed buildings# that meet the criteria of paragraph (b) of Section [23-441](#), the tower-on-a-base provisions of such paragraph shall apply.

35-642 - Special Height and Setback Provisions for Certain Areas

LAST AMENDED

12/5/2024

- (a) Borough of Manhattan

- (1) Community District 6

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provisions of paragraph (b) of Section [35-641](#) (Special tower provisions) shall be modified to require that the additional tower regulations of paragraph (b) of Section [23-441](#) apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of paragraph (a)(2) of Section [23-442](#) (Special provisions for certain community districts).

- (b) Borough of Brooklyn

- (1) Community Districts 8 and 9

For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections [35-631](#) and [35-632](#), 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.

- (2) Community Districts 3, 5, and 16

For C4-4L Districts mapped within Community Districts 3, 5, and 16 in the Borough of Brooklyn with frontage along an elevated rail line, a sidewalk widening of 5 feet shall be provided.

- (c) Borough of the Bronx

- (1) Community District 1

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residences for seniors#, the applicable #residential equivalent# for the purposes of applying the height and setback provisions of Section [23-43](#), inclusive, shall be the eligible site provisions applicable to an R9-1 District.

35-643 - Special provisions in other geographies

LAST AMENDED

12/5/2024

- (a) Special provisions for #zoning lots# with #transportation-infrastructure-adjacent frontage#

For #zoning lots# or portions thereof within 100 feet of a #street line# along a #transportation-infrastructure-adjacent frontage#, the following shall apply:

- (1) the #street wall# location provisions of paragraph (b) of Section [35-631](#) shall apply except that such #street wall# need not extend to the minimum base height set forth in Section [35-632](#). In lieu thereof, the #street wall# shall extend to a minimum base height of one #story# or 15 feet, whichever is lower; and
- (2) for #buildings# containing #multiple dwelling residences# that are not otherwise eligible for additional height pursuant to paragraph (c) of Section [35-632](#), the applicable maximum #building# heights may be increased by 10 feet in #Commercial Districts# mapped within, or with a #residential equivalent# of, R1 through R6 Districts, and by 20 feet in #Commercial Districts# mapped within, or with a #residential equivalent#, of R7 through R12 Districts.

35-70 - MODIFICATION OF ADDITIONAL DESIGN ELEMENTS

LAST AMENDED

12/5/2024

35-71 - Planting

LAST AMENDED 1/1/1970

The provisions of Section [23-613](#) (Front yard planting requirements) shall apply, except that plantings shall additionally not be required in the area of the #zoning lot# between the #street line# and any portion of #ground floor level# #street walls# allocated

to non-residential #uses# with no sleeping accommodations.

35-80 - ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS

LAST AMENDED

35-81 - Special Provisions for Sky Exposure Plane Buildings

LAST AMENDED

12/5/2024

35-811 - Applicability

LAST AMENDED

12/5/2024

The optional provisions for #sky exposure plane buildings# set forth in Section [23-73](#), inclusive, may be applied to #zoning lots# in #Commercial Districts# mapped within, or with a #residential equivalent# of, R6 through R10 Districts without a letter suffix, except that such alternative provisions shall not apply to #zoning lots#:

- (a) in #Commercial Districts# mapped within, or with a #residential equivalent# of, R6-1, R6-2, R7-3 and R9-1 Districts;
- (b) in #Commercial Districts# mapped within, or with a #residential equivalent# of, R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street;
- (c) located in the #Limited Height Districts#; or
- (d) in C4-2 Districts in the Borough of Staten Island.

35-812 - Floor area and open space ratios

LAST AMENDED

12/5/2024

For #sky exposure plane buildings# in #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R9 District without a letter suffix, the applicable #floor area ratio# and #open space ratio# provisions of Section [23-732](#) (Floor Area and Open Space Ratios in R6 through R9 Districts) shall be modified by the provisions of this Section.

- (a) #Open space ratio# for #residential# portions of #buildings#

For #zoning lots# containing a #residential building# or for the #residential# portion of a #mixed building#, a minimum #open space ratio# shall be provided in accordance with Section [23-732](#). For the purposes of applying such regulations:

- (1) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;
- (2) the #lot coverage# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and
- (3) the applicable #height factor#, if the maximum permitted #residential# #floor area ratio# is less than the total

#floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.

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

(b) Location of #open space#

The #open space# required for a #residential building# or for the #residential# portion of a #mixed building# under the provisions of paragraph (a) of this Section may be provided at ground floor level or upon the roof of #building#. #Open space# on a roof may be located at a level higher than 23 feet above #curb level# on:

- (1) the non-#residential# portion of a #mixed building#;
- (2) a #commercial building#; or
- (3) a #community facility building# that #abuts# such #residential building# or #residential# portion of a #mixed building#;

provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of a #mixed building#. However, #open space# located on the roof of a #community facility# #building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

35-813 - Floor area provisions in certain towers

LAST AMENDED
12/5/2024

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section [35-815](#), the #floor area# provisions of Section [35-362](#) (Special tower provisions) shall apply.

35-814 - Special height and setback regulations

LAST AMENDED
12/5/2024

In #Commercial Districts# that are mapped within, or have a #residential equivalent# of an R6 through R10 District without a letter suffix, for #sky exposure plane buildings#, the height and setback regulations set forth in Section [23-736](#) shall be modified as follows:

- (a) the #sky exposure plane# may be measured from a point above the #street line# instead of the #front yard line#. The maximum height of a front wall within the #initial setback distance# shall be the maximum height for front walls permitted in the applicable district for a #residential#, #commercial#, or #community facility building#, whichever permits the greatest maximum height;
- (b) in C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of paragraph (b) of Section [23-736](#) (Special height and setback regulations for sky exposure plane buildings) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#;

- (c) in #Commercial Districts# mapped within, or with a #residential equivalent# of, an R9 or R10 District, towers may penetrate a #sky exposure plane# pursuant to Section [35-815](#) (Tower regulations).
- (d) Notwithstanding the foregoing, in C1 or C2 Districts mapped within, or with a #residential equivalent# of an R7-2, R8, R9 or R10 Districts, the provisions of Section [23-738](#) (Height limitations for narrow buildings or enlargements) shall apply to #buildings# with #street walls# less than 45 feet in width. However, the #street wall# location provisions of paragraph (e)(4) of such Section need not apply.

35-815 - Tower regulations

LAST AMENDED

12/5/2024

In C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within R9 or R10 Districts, for #buildings# that do not meet the criteria set forth in paragraphs (b)(1) and (b)(2) of Section [23-441](#) (Special tower provisions), and in other #Commercial Districts# mapped within, or with a #residential equivalent# of R9 or R10 Districts, when a #mixed building# is subject to tower regulations, the following shall apply:

- (a) where not more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations of Section [23-737](#) shall apply; and
- (b) for other #mixed buildings#, the tower regulations of Section [33-45](#) shall apply.