



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **33-012 - Special provisions for certain community facility uses**

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## 33-012 - Special provisions for certain community facility uses

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LAST AMENDED

6/6/2024

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, listed under Use Group III(A).

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 or C2 Districts mapped within R1 or R2 Districts, where a #long-term care facility# is permitted pursuant to Section [74-131](#) (Long-term care facilities), the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section [33-121](#) (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section [74-902](#) (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

(2) #Commercial Districts# with a residential equivalent of an R3 through R5 District

In C1 or C2 Districts mapped within R3-2 Districts, or within R4 or R5 Districts without a letter or number suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

- (i) the #lot coverage# provisions of Section [23-144](#) shall not apply;
- (ii) the minimum size of #dwelling unit# provisions of Section [23-23](#) shall not apply;
- (iii) the #yard# regulations of Sections [33-20](#) and [33-30](#) shall apply in lieu of Sections [23-40](#) and [23-50](#);
- (iv) in C1 or C2 Districts mapped within R3-2 Districts or in C3 Districts without a letter suffix, the height and setback provisions of Section [33-40](#) shall apply in lieu of Section [23-60](#); and
- (v) in C1 or C2 Districts mapped within R5 Districts or in C4-1 Districts, the provisions of paragraph (j)(2) of Section [23-631](#) shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.

In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section [74-903](#) (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section [35-23](#) (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential# #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, or in C3A Districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio#

of paragraph (d) or (e) of Section [33-121](#), as applicable, except as permitted by the Commission pursuant to Section [74-903](#).

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 District

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

- (i) in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;
- (ii) in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, other than R7-3 Districts, or in #Commercial Districts# with a residential equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6;
- (iii) the minimum size of #dwelling unit# provisions of Section [23-23](#) shall not apply;
- (iv) the provisions of Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified by Section [35-532](#) (Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors); and
- (v) the provisions of Section [23-66](#) (Height and Setback Requirements for Quality Housing Buildings) shall be modified by Section [35-65](#).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section [35-23](#) (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential# #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section [74-903](#).

(4) Applicability of #affordable independent residences for seniors# #bulk# provisions

Where #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of applying such provisions, and the term #dwelling unit# shall include #dwelling units# and #rooming units#, as set forth in the Housing Maintenance Code.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

The provisions of this Chapter apply to #buildings#, or portions thereof, containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special #bulk# provisions apply:

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraph (b) of Section [33-121](#), except as permitted by the Commission pursuant to Section [74-902](#).

(2) #Commercial Districts# with a residential equivalent of an R3 through R10 District

In C1 or C2 Districts mapped within R3 through R9 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (d) or (e) of Section [33-121](#), except as permitted by the Commission pursuant to Section [74-903](#).

In other #Commercial Districts# with a residential equivalent of R3 through R9 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (a) and (b) of Section [33-123](#) (Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts), as applicable, except as permitted by the Commission pursuant to Section [74-903](#).

In C1 or C2 Districts mapped within R10 Districts or in #Commercial Districts# with a residential equivalent of an R10 District, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in the tables of Sections [33-121](#) or [33-123](#), as applicable.

In R6 through R10 Districts without a letter suffix, the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, may be applied. However, the provisions of Section [23-66](#) are modified by Section [35-65](#) (Height and Setback Requirements for Quality Housing Buildings).

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, as modified by Section [35-65](#), and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for #Quality Housing buildings# in Section [35-65](#), the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section [28-01](#) (Applicability of this Chapter).