



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

96-32 - Special Regulations in R9 Districts

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LAST AMENDED

6/6/2024

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#

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# without any size limitations:

From Use Group VI

Automotive repair and maintenance

Building material and supplies dealers

From Use Group VIII

Production or entertainment studios

From Use Group X

Theatrical scenery manufacturing, included in other miscellaneous manufacturing.

The supplemental #use# provisions of Section [32-421](#) (Limitations on floors occupied by commercial uses) 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 [74-61](#) (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.