Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

138-20 - SPECIAL BULK REGULATIONS

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138-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
11/30/2017

In the #Special East Harlem Corridors District#, the underlying #bulk# regulations shall apply except as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section 138-21 (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section 138-22 (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section 138-23 (Height and Setback Regulations in Commercial Districts) shall apply. In M1 Districts paired with an R9 or R10 District, the height and setback provisions set forth in Section 138-24 (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

138-21 - Floor Area Regulations

LAST AMENDED
11/30/2017

Within the #Special East Harlem Corridors District#, the underlying #floor area# regulations shall apply as modified in this Section, inclusive.

138-211 - Special floor area regulations

LAST AMENDED

(a) In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential# #floor area#, the maximum #residential# #floor area ratio# shall be modified as follows:

(1) for #zoning lots# providing #qualifiying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# set forth on Map 2 shall apply;

(2) for other #zoning lots#, the maximum #residential# #floor area ratio# shall apply as modified in the table below:

Maximum #residential# #floor area ratio# shown on Map 2	Modified maximum #residential# #floor area ratio#
8.5	7.52
9.0	7.52
10.0	9.0

(3) except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and

(4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor

Area Bonus for Arcades) shall not apply.

(b) In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility# #floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations) shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #long-term care facilities#.

(c) In the C4-6 District that is located on the west side of Third Avenue between East 121st Street and East 122nd Street, the maximum #commercial# #floor area ratio# shall be 7.2.

(d) For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

138-212 - Additional floor area regulations in the Park Avenue Subdistrict

LAST AMENDED
10/7/2021

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of paragraphs (a) and (b) of Section 138-211 are further modified in this Section.

(a) Required non-#residential# #floor area ratio#

Where a #development# or #enlargement# of a #building# on a #zoning lot#, or portion thereof, located within the Park Avenue Subdistrict contains #residentia# #floor area#, such #zoning lot# shall provide a minimum non-#residential# #floor area ratio# as set forth below:

(1) in M1-6 Districts paired with an R9 District, a minimum non-#residential# #floor area ratio# of 1.0 shall be provided;

(2) in C6-4 Districts, and in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 10.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided; and

(3) in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 12.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided.

(b) Maximum #floor area ratio# for #zoning lots# within M1-6 Districts paired with an R9 District

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# for any #use#, or any combination of #uses#, shall not exceed 8.5.

(c) Modified maximum #floor area ratio# for certain #zoning lots#

The #floor area ratios# set forth in paragraphs (a) and (b) of this Section, and in Section 138-211, shall be modified, as follows:

(1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet;

(2) for #zoning lots# subject to paragraph (c)(1) of this Section, the maximum #floor area ratio# for all #uses# shall be set forth as follows:

Maximum #floor area ratio# shown on Map 2	Modified maximum #floor area ratio#
8.5	7.52
10.0	9.0

138-22 - Street Wall Regulations

LAST AMENDED
12/5/2024

All #developments# and #enlargements# within the #Special East Harlem Corridors District# shall comply with the #street wall# regulations of Section 35-651 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments# and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-631 are specified and modified as follows:

(a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (b) of Section 35-631 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

(1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section 37-34 (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#; and

(2) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (b)(1) of Section 37-362 (Mitigation elements) for at least 70 percent of the linear footage, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of

Section 37-362 for at least 70 percent of the linear footage of such area per 50 feet of frontage.

138-23 - Height and Setback Regulations in Commercial Districts

LAST AMENDED
12/5/2024

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Section 35-632 (Maximum height of buildings and setback regulations), as applicable, except that:

(1) the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations);

(2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building# #height# for #buildings# utilizing the provisions of paragraph (b) of Section 35-632 shall be modified to 215 feet;

(3) in C4-6 Districts whose maximum #residential# #floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of paragraphs (a) or (b) of Section 35-632 for R9 Districts shall apply, except that the minimum base height

set forth in Section 138-22 shall apply, the maximum #building# height for #buildings# utilizing the provisions of paragraphs (b) of Section 35-632 shall be modified to 215 feet;

(4) in a C2 District mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #building# height for #buildings# utilizing the provisions of paragraph (b) of Section 35-632 shall be modified to 125 feet; and

(5) where applicable, in lieu of the provisions of this paragraph, the provisions of paragraph (b) of this Section may be applied.

(b) Alternate Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# providing #qualifying affordable housing# or #qualifying senior housing#, or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with Section 23-433 (Standard setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower shall not exceed a maximum #lot coverage# of 50 percent.

However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum tower height

(i) The maximum tower height shall be set forth on Map 3 of the Appendix to this Chapter.

(ii) In C2 Districts mapped within R9 Districts that are also located within the #Special Transit Land Use District#, for #zoning lots# which include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum tower height shall be:

(a) 325 feet for #zoning lots# which include ancillary facilities with emergency egress and/or ventilation structures as specified in Section 95-032 (Determination of transit easement at other stations); and

(b) 215 feet for #zoning lots# which include only transit facilities specified in Section 95-032 other than ancillary facilities with emergency egress and/or ventilation structures.

138-24 - Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District

LAST AMENDED
12/5/2024

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (b) of Section 138-22 (Street Wall Regulations) shall apply, and the applicable maximum height of #buildings or other structures# and setback provisions set forth in Section 123-65 (Special Height and Setback Regulations in Special Mixed Use Districts with R6 Through R12 District Designations), inclusive, shall apply as modified in this Section.

(a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with Section 23-433 (Standard setback regulations). The maximum #building# height shall be 215 feet;

(b) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 10.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with Section 23-433. The maximum #building# height shall be 275 feet; and

(c) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 12.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with Section 23-433. The maximum #building# height shall be 295 feet.