

Zoning Resolution

THE CITY OF NEW YORK

CITY PLANNING COMMISSION

Eric Adams, Mayor

Daniel R. Garodnick, Chair

138-23 - Height and Setback Regulations in Commercial Districts

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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 <u>35-632</u> (Maximum height of buildings and setback regulations), as applicable, except that:

- (1) the minimum base heights shall be modified by the provisions of Section <u>138-22</u> (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 <u>95-032</u> (Determination of transit easement at other stations); and
 - (b) 215 feet for #zoning lots# which include only transit facilities specified in Section <u>95-032</u> other than ancillary facilities with emergency egress and/or ventilation structures.