

**EAST RIVER FIFTIES/SUTTON PLACE REZONING  
MANHATTAN COMMUNITY DISTRICT 6  
FEBRUARY 22, 2017  
PROPOSED ZONING TEXT**

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article II: Residence District Regulations  
Chapter 3 - Residential Bulk Regulations in Residence Districts**

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

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**23-15  
Open Space and Floor Area Regulations in R6 through R10 Districts**

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**23-154  
Inclusionary Housing**

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in paragraph (d) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

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(c) Special provisions for specified #Inclusionary Housing designated areas#

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(4) Provisions for R10 Districts within the East River Fifties Area in Community District 6 in the Borough of Manhattan

In Community District 6 in the Borough of Manhattan, the area bounded by a line 100 feet east of First Avenue, East 58<sup>th</sup> Street, a line 100 feet west of Sutton Place, East 59<sup>th</sup> Street, Franklin Delano Roosevelt Drive, midblock between East 52<sup>nd</sup> Street and East 51<sup>st</sup> Street shall be an #Inclusionary Housing designated area#. For all R10 Districts within such #Inclusionary Housing designated area#, the provisions of paragraph (b) of this Section shall not apply. In lieu thereof, the base #residential floor area ratio# shall be 10.0. Such base #floor area# may be increased on a #compensated zoning lot# by 1.16 square feet for each square foot of #low income floor area# provided, up to a maximum #residential floor area ratio# of 12.0. However, the amount of #low income floor area# required to receive such #floor area compensation# and achieve the maximum #floor area ratio# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#.

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**23-60  
HEIGHT AND SETBACK REGULATIONS**

**23-61  
Applicability**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60, inclusive.

Height and setback regulations applicable to R1 through R5 Districts are set forth in Section 23-63. #Buildings# in R5D Districts shall also comply with additional provisions set forth in Article II, Chapter 8.

Height and setback regulations applicable to R6 through R10 Districts are set forth in Sections 23-64 (Basic Height and Setback Requirements), 23-65 (Tower Regulations) and 23-66 (Height and Setback Requirements for Quality Housing Buildings), as applicable.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, all #buildings# containing #residences# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in Sections 23-62 (Permitted Obstructions) and 23-66. In R6, R7, R8, R9 or R10 Districts without a letter suffix, a #building# containing #residences# may be #developed# or #enlarged# pursuant to the basic height and setback requirements of Sections 23-62, 23-64 or 23-65, as applicable, or pursuant to the #bulk# regulations for #Quality Housing buildings#. All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8, as applicable.

Special height and setback provisions are set forth in Sections 23-67 (Special Height and Setback Provisions for Certain Areas) for #zoning lots# adjoining a #public park#, as well as for certain areas in Community Districts 4, 6, 7 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

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### **23-67**

#### **Special Height and Setback Provisions for Certain Areas**

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### **23-675**

#### **Provisions for R10 Districts within the East River Fifties Area in Community District 6 in the Borough of Manhattan**

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58<sup>th</sup> Street, a line 100 feet west of Sutton Place, East 59<sup>th</sup> Street, Franklin Delano Roosevelt Drive, midblock between East 52<sup>nd</sup> Street and East 51<sup>st</sup> Street, all #buildings# containing #residences# shall be #developed# or #enlarged# pursuant to the #bulk# regulations for #Quality Housing buildings#, and the following height and setback modifications shall apply.

The maximum #building# height shall be 235 feet for #zoning lots# or portions thereof within 100 feet of a #wide street# and 210 feet for #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#. However, for #zoning lots# that provide at least 1.0 #floor area ratio# of #affordable housing# pursuant to paragraph (c)(4) of Section 23-154 (Inclusionary Housing) or #affordable independent residences for seniors# pursuant to Section 23-155 (Affordable independent residences for seniors), the maximum #building# height shall be increased to 260 feet.

For #buildings# on lots that are equal to or greater than 80 feet in width, facade articulation of no less than three feet in depth, measured from the #street wall#, by five feet in width shall be required for each #building segment# at no more than thirty-foot intervals.

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**23-90**  
**INCLUSIONARY HOUSING**

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**23-932**  
**R10 districts**

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of paragraph (b) of Section 23-154 (Inclusionary Housing) and in all R10 Districts located in #Mandatory Inclusionary Housing areas#, pursuant to the provisions of paragraph (d) of such Section. Special rules for certain R10 Districts in Community District 6 in the Borough of Manhattan are set forth in paragraph (c) of Section 23-154. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of paragraph (a) of Section 23- 154, as applicable.

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**Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts**

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**24-10**  
**FLOOR AREA AND LOT COVERAGE REGULATIONS**

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**24-16**  
**Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses**  
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In R1 through R5 Districts, and in R6 through R10 Districts without a letter suffix, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential uses#.

## **24-161**

### **Maximum floor area ratio for zoning lots containing community facility and residential uses**

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6 R7-2 R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# 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#.

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and in R6 Districts without a letter suffix in Community District 1, Brooklyn, and except within certain areas in Community District 6 in the Borough of Manhattan, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-154 (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58<sup>th</sup> Street, a line 100 feet west of Sutton Place, East 59<sup>th</sup> Street, Franklin Delano Roosevelt Drive, midblock between East 52<sup>nd</sup> Street and East 51<sup>st</sup> Street, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided that the total of all such #floor area ratios# on the #zoning lot# shall not exceed 13.0.

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## **24-56**

### **Special Height and Setback Provisions for Certain Areas**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, in the Borough of Manhattan).

(c) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-674 (Special height and setback regulations for certain sites in Community District 9, in the Borough of Manhattan).

(d) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58<sup>th</sup> Street, a line 100 feet west of Sutton Place, East 59<sup>th</sup> Street, Franklin Delano Roosevelt Drive, midblock between East 52<sup>nd</sup> Street and East 51<sup>st</sup> Street, developments# or #enlargements# shall be subject to the height and setback regulations of Section 23-675 (Provisions for R10 Districts within the East River Fifties Area in Community District 6 in the Borough of Manhattan).

## ARTICLE III

### Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

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#### 35-31

#### FLOOR AREA AND LOT COVERAGE REGULATIONS

C1 C2 C3 C4 C5 C6

In the districts indicated, except as set forth in Section 35-311, 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, 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#.

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential floor area ratio# may be increased pursuant to the provisions of Sections 23-154 and 23-90 (INCLUSIONARY HOUSING).

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, and except within certain areas in Community District 6 in the Borough of Manhattan, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-154 for the applicable district.

However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section 23-154 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser.

The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section 23-154 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58<sup>th</sup> Street, a line 100 feet west of Sutton Place, East 59<sup>th</sup> Street, Franklin Delano Roosevelt Drive, midblock between East 52<sup>nd</sup> Street and East 51<sup>st</sup> Street, the height and setback regulations of Section 23-675 (Provisions for R10 Districts within the East River Fifties Area in Community District 6 in the Borough of Manhattan).

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.

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## 35-65

### Height and Setback Requirements for Quality Housing Buildings

C1 C2 C4 C5 C6

In the districts indicated, the street wall location provisions of Sections 35-651 and the height and setback provisions of Section 35-652, shall apply to Quality Housing buildings. In certain districts, the heights set forth in Section 35-652 may be increased pursuant to either the provisions of Section 35-653 (Tower regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable. Additional provisions are set forth in Section 35-655. The height of all buildings or other structures shall be measured from the base plane.

In all such districts, the permitted obstructions provisions of Section 33-42 shall apply to any building or other structure. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

In Community District 6 in the Borough of Manhattan, for R10 Districts within the Inclusionary Housing Designated Area bounded by a line 100 feet east of First Avenue, East 58<sup>th</sup> Street, a line 100 feet west of Sutton Place, East 59<sup>th</sup> Street, Franklin Delano Roosevelt Drive, midblock between East 52<sup>nd</sup> Street and East 51<sup>st</sup> Street, the height and setback regulations of Section 23-675 (Provisions for R10 Districts within the East River Fifties Area in Community District 6 in the Borough of Manhattan).

## APPENDIX F

### Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

The boundaries of Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas are shown on the maps listed in this Appendix F. The Residence Districts listed for such areas shall include Commercial Districts where residential buildings or the residential portion of mixed buildings are governed by the bulk regulations of such Residence Districts. Where Inclusionary Housing designated areas or Mandatory Inclusionary Housing areas are mapped in Commercial Districts, the residential district



equivalent, as set forth in Sections 34-112 or 35-23 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) has instead been specified for each map.

Table of  
Inclusionary Housing Designated Areas and  
Mandatory Inclusionary Housing Areas  
by Zoning Map

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas	Maps of Mandatory Inclusionary Housing Areas
1d	Bronx CD 7	Map 1	
3b	Bronx CD 4	Map 1	
3c	Bronx CD 6	Maps 1 - 3	
3c	Bronx CD 7	Map 1	
3d	Bronx CD 3	Map 1	
3d	Bronx CD 6	Maps 2 - 5	
5d	Manhattan CD 7	Map 1	
6a	Manhattan CD 9	Map 1, Map 2	
6a	Manhattan CD 10	Map 1	
6a	Manhattan CD 11	Map 1	
6a	Bronx CD 1	Map 1	Map 2
6a	Bronx CD 4	Map 1	
8b	Manhattan CD 10	Map 1	
8b	Manhattan CD 11	Map 1	
8b	Manhattan CD 4	Map 1	
8c	Manhattan CD 4	Map 2	
8c	Manhattan CD 7	Map 2	
8d	Manhattan CD 4	Map 3, Map 4	
8d	Manhattan CD 5	Map 1	
8d	Manhattan CD 6	Map 1, Map 2	
8d	Queens CD 2	Map 3	
9a	Queens CD 1	Map 1	
9b	Queens CD 1	Map 2	
9b	Queens CD 2	Map 1	
9d	Queens CD 2	Map 1, Map 2	
10b	Queens CD 7		Map 1
12a	Manhattan CD 1	Map 1	
12a	Manhattan CD 2	Map 1	
12c	Manhattan CD 3	Map 1	
12c	Brooklyn CD 1	Map 1, Map 2	
12d	Brooklyn CD 1	Map 2, Map 3	
12d	Brooklyn CD 2	Map 1, Map 4	
12d	Brooklyn CD 3	Map 3	
13a	Brooklyn CD 1	Map 1, Map 2	
13b	Brooklyn CD 1	Map 2, Map 4	
13b	Brooklyn CD 3	Maps 3 - 5	
13b	Brooklyn CD 4	Map 1	
14d	Queens CD 8	Map 1	
14d	Queens CD 12	Map 1	
16b	Brooklyn CD 7	Map 2	
16c	Brooklyn CD 2	Maps 1 - 3	
16c	Brooklyn CD 3	Map 1	
16c	Brooklyn CD 6	Map 1	
16c	Brooklyn CD 8	Map 1	
16d	Brooklyn CD 7	Map 1	

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**MANHATTAN**

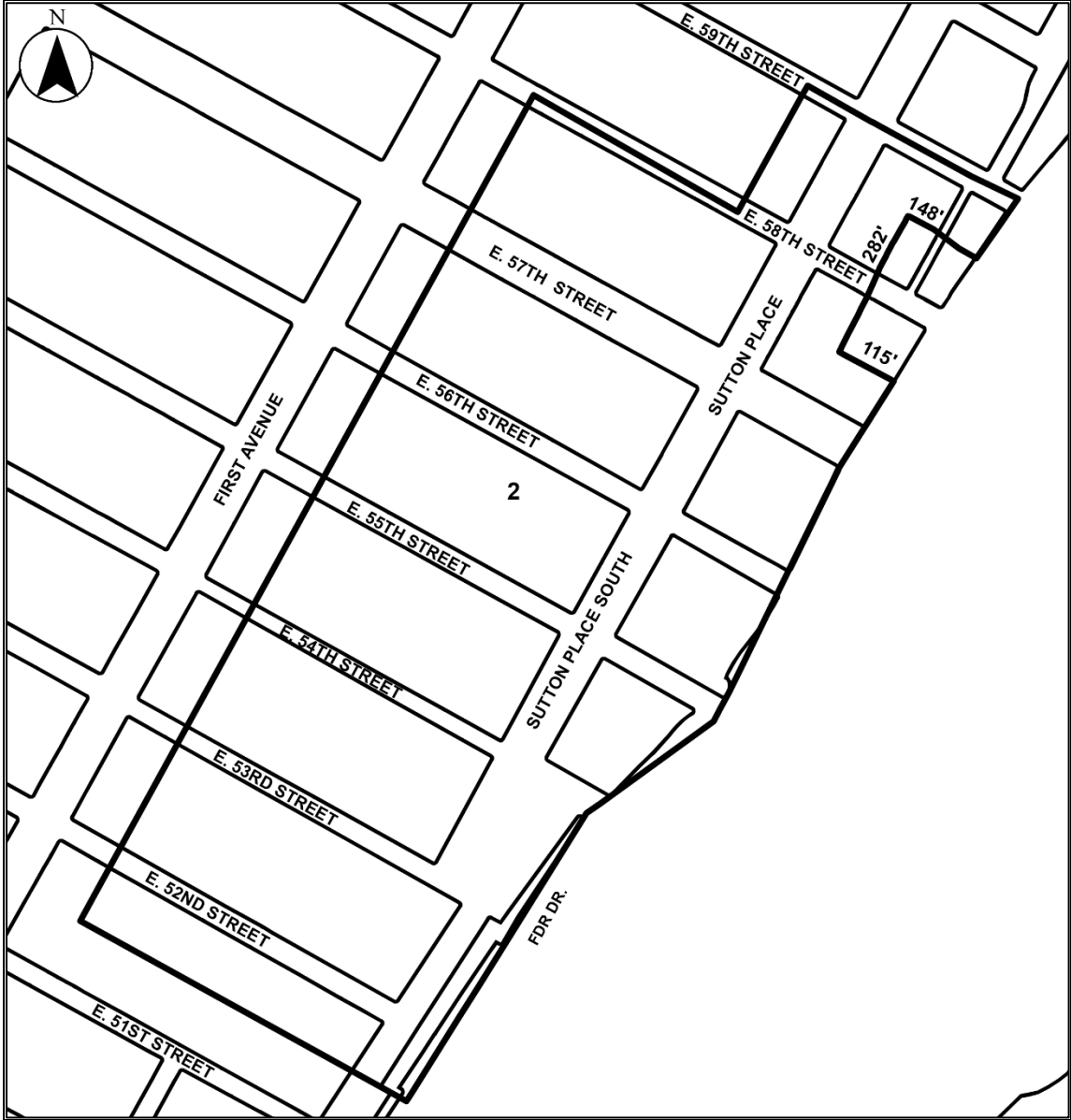
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**Manhattan Community District 6**

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In the R10 District within the area shown on the following Map 2:

Map 2 – [date of adoption]



Portion of Community District 6, Manhattan

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