



Legislation Details (With Text)

File #: Res 0165-2006 **Version:** * **Name:** LU 28 - Zoning Reso., Greenpoint Williamsburg Amendment, Brooklyn (060170ZRK)
Type: Resolution **Status:** Adopted
In control: Committee on Land Use

On agenda: 3/1/2006

Enactment date: **Enactment #:**

Title: Resolution approving the decision of the City Planning Commission on Application No. N 060170 ZRK, an amendment to the text of the Zoning Resolution of the City of New York, relating to Article I, Chapter 4 (Sidewalk Cafe Regulations), Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed Use District), Brooklyn (L.U. No. 28).

Sponsors: Melinda R. Katz, Tony Avella

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 3/1/06

Date	Ver.	Action By	Action	Result
2/28/2006	*	Committee on Land Use	Approved by Committee	
3/1/2006	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 165

Resolution approving the decision of the City Planning Commission on Application No. N 060170 ZRK, an amendment to the text of the Zoning Resolution of the City of New York, relating to Article I, Chapter 4 (Sidewalk Cafe Regulations), Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed Use District), Brooklyn (L.U. No. 28).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on January 30, 2006 its decision dated January 25, 2006 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 060170 ZRK) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 060171 ZMK (L.U. No. 27), an amendment of the Zoning Map, Section Nos. 12c, 12d, 13a and 13b to rezone approximately 19 blocks to MX-8, M1-2/R6A and M1-2/R6B;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1)

of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 27, 2006;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues (CEQR No. 04DCP003K);

A Notice of Minor Modification was issued on October 31, 2005, which determined that the zoning text and map changes set forth in Applications N060170ZRK and 060171ZMK would not result in any new or additional significant adverse impacts not already set forth in the Final Environmental Impact Statement (FEIS) for the Greenpoint-Williamsburg Rezoning. The Notice of Completion for the Greenpoint-Williamsburg Rezoning FEIS was issued on March 4, 2005.

To avoid the potential for air quality impacts associated with boiler emissions, the proposed zoning map amendment includes (E) designations.

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Underlined matter 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

* * *

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Sidewalk Brooklyn	#Enclosed	#Unenclosed
	Cafe#	Sidewalk Cafe#
Bay Ridge District	Yes	Yes
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Franklin Street Mixed Use District	Yes	Yes
Northside Mixed Use District	Yes	Yes
Ocean Parkway District*	Yes	Yes
Sheepshead Bay District	No	Yes
<u>Special Mixed Use District MX-8</u> <u>(Greenpoint-Williamsburg)</u>	<u>Yes</u>	<u>Yes</u>

* #Sidewalk cafes# are not allowed on Ocean Parkway

* * *

23-013

Harassment

Within the Greenpoint-Williamsburg anti-harassment area in Community District 1, Borough of Brooklyn, as shown on Map 1 in this Section, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (Harassment) shall apply as modified in this Section.

For the purposes of this Section, the following definitions in Section 93-90(a) shall be modified:

Anti-Harassment Area

“Anti Harassment Area” shall mean the Greenpoint-Williamsburg anti-harassment area as shown on Map 1 in this section.

Referral date

“Referral date” shall mean October 4, 2004.

In addition, Section 93-90(d)(3) is modified as follows:

No portion of the #low income housing# required under this Section shall qualify to:

- (i) increase the #floor area ratio# pursuant to the provisions of Section 23-90 or Section 62-352 (Inclusionary Housing), or
- (ii) increase the maximum height of a #building# or the height above which the gross area per #residential story# of a #building# is limited pursuant to the provisions of Section 62-354 (Special height and setback regulations), paragraphs (b)(2) and (d), or
- (iii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.



Map 1
Greenpoint-Williamsburg anti-harassment area

* * *

23-922

Community Districts 1 and 7, Borough of Brooklyn

The Inclusionary Housing Program shall apply in the following areas:

- (a) In the following areas of Community District 1, in the Borough of Brooklyn, located north of the Williamsburg Bridge, Washington Plaza, Borinquen Place and Grand Street in an area bounded by South 5th Street, Grand Street Extension/Borinquen Place, Union Avenue, Metropolitan Avenue, Humboldt Street, Meeker Avenue, Russell Street, Engert Avenue, McGuinness Boulevard, the Newtown Creek, and the East River:

- (1) Waterfront Access Plan BK-1, as set forth in Section 62-352;
 - (2) all #Special Mixed Use Districts#;
 - (3) all R6A, R6B and R7A Districts; and
 - (4) R6 Districts within the following R6 areas:
 - (i) the #block# bounded by Havemeyer Street, North Sixth Street, Metropolitan Avenue and North Fifth Street;
 - (ii) the #block# bounded by Roebling Street, North Fifth Street, Havemeyer Street, ~~and~~ Metropolitan Avenue, and North Fourth Street;
 - (iii) those #blocks# bounded by Wythe Avenue, Grand Street, Berry Street and South Third Street;
 - (iv) those #blocks# and portions of #blocks# bounded by Bedford Avenue, North 1st Street, Driggs ~~Street~~ Avenue, Fillmore Place, Roebling Street, and a line coincident with the centerline of the long dimension of the #blocks# bounded by Bedford Avenue, Grand Street, Roebling Street and South First Street; ~~and~~
 - (v) that portion of the #block# bounded by Havemeyer Street, Hope Street, Marcy Avenue, and South First Street that is within 100 feet of Grand Street; and
 - (vi) that portion of the #block# bounded by Franklin Street, Huron Street, Manhattan Avenue and India Street that is within 100 feet of Franklin Street and 100 feet of India Street.
- (b) In Community District 7, in the Borough of Brooklyn, in all R8A districts.

23-93

Definitions

For the purposes of the Inclusionary Housing program, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

Administering agent

The "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring compliance with such plan.

The #administering agent# shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not-for-profit organization as the #administering agent# was unsuccessful, ~~or, in Community District 1, Borough of Brooklyn, if the #floor area# of the #standard units# comprising the #lower income housing# constitutes less than half of the total #residential floor area# or #community facility floor area used# as a not-for-profit institution with sleeping accommodations in the #building#.~~ However, in Community Districts 1 and 7, Borough of Brooklyn, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to city, state, or federal funding sources, to serve as the #administering agent# during such compliance period.

* * *

23-942

In Community Districts 1 and 7, Borough of Brooklyn

The provisions of this Section 23-942 shall apply in the designated areas set forth in Section 23-922, except within Waterfront Access Plan BK-1.

(a) Maximum floor area ratio

The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the table

below, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table in this Section. However, in Community District 7, Borough of Brooklyn, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-residential floor area#, in the #building#.

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.0	2.2
R6*	2.2	2.42
R6A	2.7	3.6
R6**	2.7	3.6
R7A	3.45	4.6
R8A	5.4	7.2

* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

In addition, the following rules shall apply:

(a)(b) Height and setback

The compensated #building# must be #developed# or #enlarged# pursuant to the Quality Housing Program or, in #Special Mixed Use Districts#, pursuant to paragraph (b) of Section 123-662, and

- (1) Except in #Special Mixed Use Districts#, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 (Street wall location and height and setback regulations in certain districts) or Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.
- (2) In #Special Mixed Use Districts#, where the residence district designation has a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

(b)(c) Lower income housing requirements

The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements).

* * *

23-95 Lower Income Housing Requirements

* * *

(f) Permits and certificates of occupancy

No building permit for the #compensated development# shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any part of the #compensated development# until a temporary certificate of occupancy for each unit of #lower income housing# has been issued or, in Community Districts 1 and 7,

Borough of Brooklyn, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. No permanent certificate of occupancy shall be issued for any part of the #compensated development# until a permanent certificate of occupancy for each unit of the #lower income housing# has been issued or, in Community Districts 1 and 7, Borough of Brooklyn, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. Prior to the issuance of any temporary or permanent certificate of occupancy for the #compensated development#, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

* * *

23-951

On-site new construction option

* * *

- b) #Dwelling units# designated as #lower income housing# shall be distributed throughout the #development#. No #story# shall contain more than two such units unless at least 80 percent of all #stories# contain two such units. The size of the designated #lower income housing# units shall at least be distributed among the various size units in proportion to the total distribution of unit size within the #building# in the following categories of unit sizes:

under 600 net square feet
600 - 749 net square feet
750 - 949 net square feet
950 - 1149 net square feet
1150 or more net square feet

~~In Community District 1, Borough of Brooklyn, the requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.~~

In Community Districts 1 and 7, Borough of Brooklyn, if the #lower income housing# is subject to the requirements of city, state or federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.

* * *

24-012

Harassment

Within the Greenpoint-Williamsburg anti-harassment area set forth in Section 23-013, the provisions of Section 23-013 shall apply to any #zoning lot# containing a #building used# partly for a #residential use#.

* * *

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 R6A R6B R7-2 R7A R7B R7X 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#.

The following rules shall apply in the designated areas set forth in Section 23-922 (Community Districts 1 and 7, Borough of

Brooklyn), ÷

(a) The provisions of this Section 24-161 shall apply in the following areas:

(1) those portions of #blocks# bounded by a line 82 feet west of Franklin Street, a line 100 feet north of Freeman Street, a line 100 feet west of Franklin Street, Freeman Street, Franklin Street, and Eagle Street, and

(2) those #blocks# and portions of #blocks# bounded by Berry Street, North 5th Street, a line 100 feet southeasterly of Havemeyer Street, North 6th Street, Havemeyer Street, North 7th Street, Roebling Street, North 8th Street, Driggs Avenue, North 9th Street, a line 100 feet southeasterly of Bedford Avenue, North 11th Street, Union Avenue, Richardson Street, Leonard Street, Bayard Street, Graham Avenue, Driggs Avenue, North 12th Street, a line midway between Bedford Avenue and Berry Street, and North 10th Street.

(b) In the designated areas set forth in Section 23-922 (Community District 1, Borough of Brooklyn), except as set forth in paragraph (a) above and except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

35-31

Maximum Floor Area Ratio for Mixed Buildings

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

* * *

The following rules shall apply in the designated areas set forth in Section 23-922 (Community Districts 1 and 7, Borough of Brooklyn), ÷

(a) The provisions of this Section 35-31 shall apply in the following areas:

(1) those portions of #blocks# bounded by a line 82 feet west of Franklin Street, a line 100 feet north of Freeman Street, a line 100 feet west of Franklin Street, Freeman Street, Franklin Street, and Eagle Street, and

(2) those #blocks# and portions of #blocks# bounded by Berry Street, North 5th Street, a line 100 feet southeasterly of Havemeyer Street, North 6th Street, Havemeyer Street, North 7th Street, Roebling Street, North 8th Street, Driggs Avenue, North 9th Street, a line 100 feet southeasterly of Bedford Avenue, North 11th Street, Union Avenue, Richardson Street, Leonard Street, Bayard Street, Graham Avenue, Driggs Avenue, North 12th Street, a line midway between Bedford Avenue and Berry Street, and North 10th Street.

(b) In the designated areas set forth in Section 23-922 (Community District 1, Borough of Brooklyn), except as set forth in paragraph (a) above, and except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

62-341

Developments on land and platforms

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the shoreline of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200

feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

(1) #Street lines#

For the purposes of paragraphs (c) and (d) of this Section and of paragraph (h) of Section 62-354, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

62-352

Inclusionary Housing

* * *

(b) Floor area increase

(1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5, provided that:

(i) at least 20% of the total #residential floor area# on the #zoning lot# is occupied by lower income households#, or

(ii) at least 10% of the total #residential floor area# on the #zoning lot# is occupied by #lower income households# and at least 15% of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#.

(2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75 provided that:

(i) at least 7.5% of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#, or

(ii) at least 5% of the total #residential floor area# on the #zoning lot# is occupied by #lower income households# and at least 5% of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#.

Where #lower# or #moderate income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the compensated #development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such compensated #development#, inclusive of #floor area# bonused pursuant to this Section.

For the purposes of determining the amount of #lower income housing# required to increase the maximum permitted #floor area# pursuant to this paragraph (b), community facility #floor area# used as a philanthropic or not-for-profit institution with sleeping accommodations shall be considered #residential floor area#.

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

* * *

(d) Permits and certificate of occupancy

The requirements of paragraph (f) of Section 23-94 shall not apply. In lieu thereof, the provisions of this paragraph (d) shall apply.

No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special Height and Setback Regulations) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special Height and Setback Regulations), until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the lower income housing. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# which utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special Height and Setback Regulations), until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the lower income housing.

* * *

62-354 Special Height and Setback Regulations

* * *

(e) Paragraph (c)(6) shall not apply. In lieu thereof, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Kent Avenue, West Street or Commercial Street, whichever is closest, shall not exceed 110 feet. The maximum length of any other side of such rectangle shall not exceed 170 feet, except that for #buildings# where at least 20 percent of the total #floor area# is comprised of #lower income housing# pursuant to Section 62-352, such maximum length of 170 feet shall apply above a height of 100 feet.

* * *

62-831 Waterfront Access Plan BK-1: Greenpoint-Williamsburg

* * *

Parcel 11: Block 2543, Lot 1
Parcel 12a: Block 2556, Lot 41
Parcel 12b: Block 2556, Lots 45 and 46
Parcel 12c: Block 2556, Lots 55, 57 and 58
Parcel 12d: Block 2556, Lot 54
Parcel 12e: Block 2556, Lot 53
Parcel 12f: Block 2556, Lot 52
Parcel 12g: Block 2556, Lot 51
Parcel 12h: Block 2556, Lot 50
Parcel 12i: Block 2556, Lot 49

Parcel 12j: Block 2556, Lot 48

Parcel 13: Block 2556 Lot 1, Block 2564 Lot 1, Block 2567 Lot 1 and Block 2570, Lot 36

* * *

(e) Special public access provisions by parcel

* * *

(5) Parcel 5c

* * *

(iii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided on Parcel 5c.

A #supplemental public access area# shall be bounded by the southern boundary of the required Green Street #upland connection#, the #shore public walkway#, the southern boundary of Parcel 5c and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7. The requirements for a waterfront plaza described in paragraph (b)(3) of this Section shall apply.

The remaining required #supplemental public access area# shall be provided either on the #pier# or distributed evenly as a widening of the pedestrian circulation zone of the #shore public walkway# located between the Eagle Street and Green Street #upland connections#. If any #supplemental public access area# is located on the #pier#, the planting requirements for Waterfront Plaza shall apply, except that one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees may be substituted by a shading element at a rate of 450 sq. ft. of shade element per tree.

* * *

(13) Parcel 25

* * *

(iii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided.

One #supplemental public access area# shall be provided along the prolongation of the southern #street line# of North 7th Street and the #shore public walkway#. Such public access area shall be a minimum of 3,000 square feet in area and shall have a minimum depth of 90 feet ~~from the southern #street line# of North 7th Street~~ measured from the #shore public walkway#. The entire #supplemental public access area#, excluding the required buffer, shall be developed as clear circulation path.

A minimum of one linear foot of seating shall be required for every 40 square feet of pedestrian circulation zone and shall be located in the required buffer zone. Four trees shall be required, at least two of which are shade trees. Small or ornamental trees located within the buffer zone shall not be counted toward the minimum requirements.

The remaining required #supplemental public access area# shall be located either on the #pier# or abut the #shore public walkway# continuously along its longest side, and shall also abut the required #upland connection# where it meets the #shore public walkway#. At least 70 percent of the required #supplemental public access# shall have a width to depth ratio of 2:1. The requirements for a waterfront plaza described in paragraph (b)(3) of this Section shall apply. If any #supplemental public access area# is located on the #pier#, the planting requirements for Waterfront Plaza shall apply, except that one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees may be

~~substituted by a shading element~~ at a rate of 450 sq. ft. of shade element per tree.

* * *

(14) Parcel 26

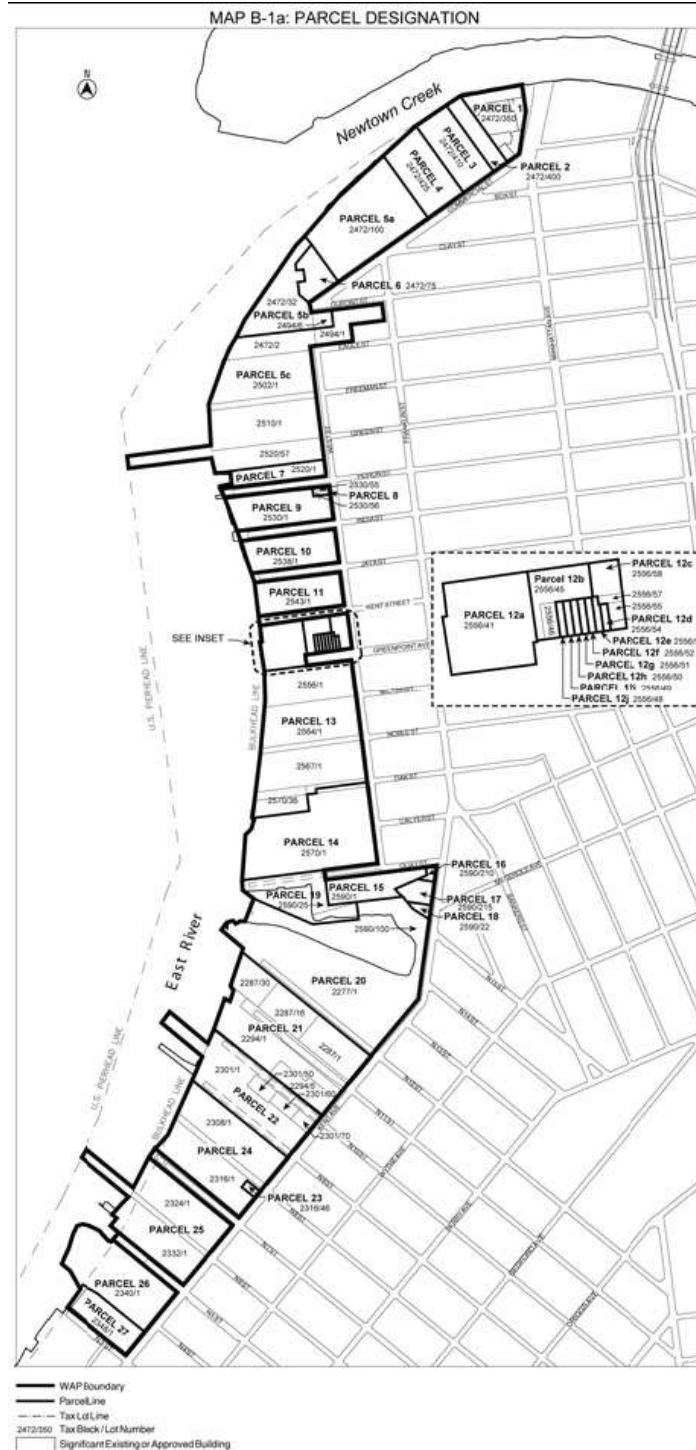
* * *

(ii) #Upland connections#

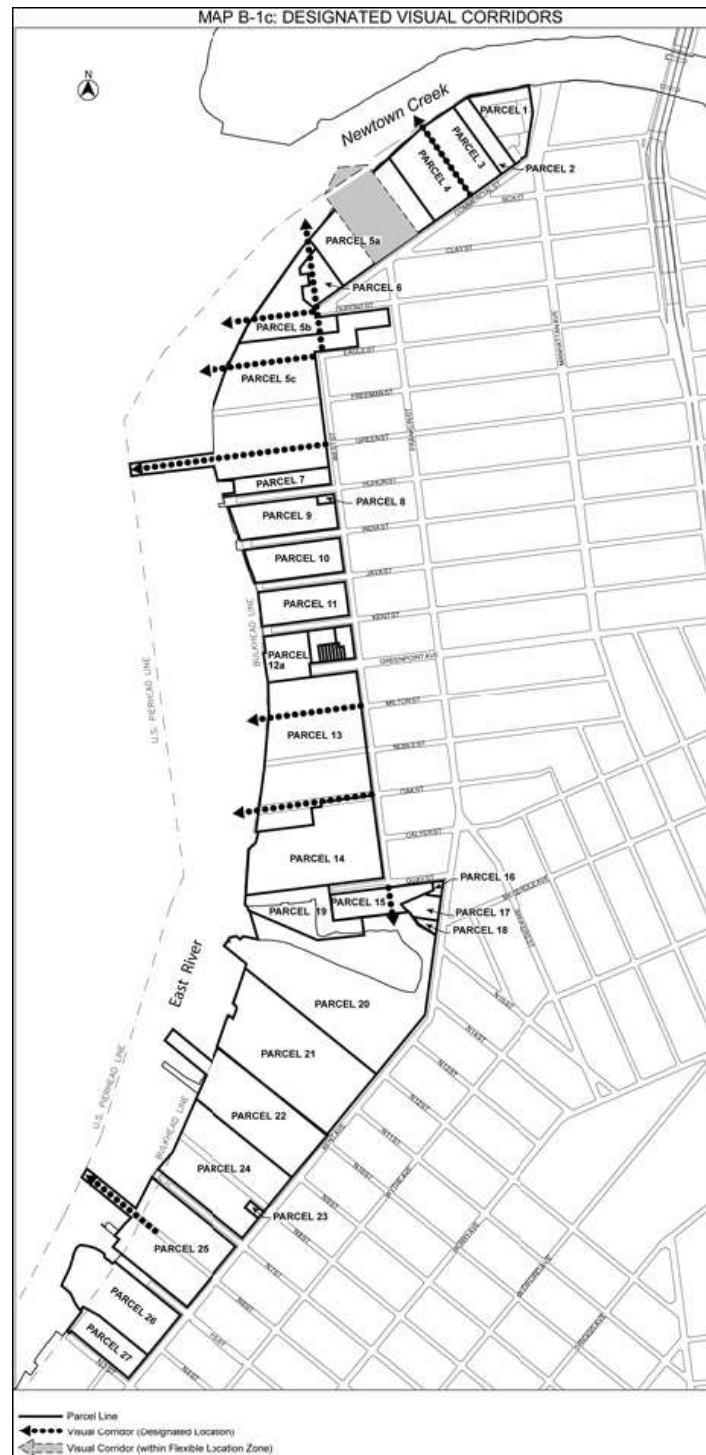
An #upland connection# shall be provided between Kent Avenue and the #shore public walkway# located within the prolongation of the #street lines# of North 4th Street. However, if the #upland connection# is provided within a private drive pursuant to Section 62-622, then a portion of the southern pedestrian circulation zone beyond 15 feet from Kent Avenue may be located up to 15 feet outside the prolongation of the #street lines# of North 4th Street, provided that this pedestrian circulation zone is not located entirely outside the prolongation of the #street lines# of North 4th Street at any point within 80 feet of Kent Avenue.

* * *

(g) Greenpoint-Williamsburg Waterfront Access Plan Maps







* * *

123-64 Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings

(a) Maximum #floor area ratio#

(1) Manufacturing or commercial portions

The maximum #floor area ratio# permitted for the #manufacturing# or #commercial# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial buildings# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) Community facility portion

The maximum #floor area ratio# permitted for the #community facility# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #community facility buildings# in #Residence Districts# under the provisions of Section 24-11, in accordance with the designated #Residence District#.

(3) #Residential# portion

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Sections 23-14 and 23-141, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Section 123-63, in accordance with the designated #Residence District#.

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in the designated areas set forth in Section 23-922 (Community Districts 1 and 7, Borough of Brooklyn), the following rules shall apply:

(i) The provisions of paragraph (a)(4) of this Section 123-64 shall apply in the following areas:

(1) those portions of #blocks# bounded by a line 82 feet west of Franklin Street, a line 100 feet north of Freeman Street, a line 100 feet west of Franklin Street, Freeman Street, Franklin Street, and Eagle Street, and

(2) those #blocks# and portions of #blocks# bounded by Berry Street, North 5th Street, a line 100 feet southeasterly of Havemeyer Street, North 6th Street, Havemeyer Street, North 7th Street, Roebling Street, North 8th Street, Driggs Avenue, North 9th Street, a line 100 feet southeasterly of Bedford Avenue, North 11th Street, Union Avenue, Richardson

Street, Leonard Street, Bayard Street, Graham Avenue, Driggs Avenue, North 12th Street,
a line midway between Bedford Avenue and Berry Street, and North 10th Street.

- (ii) In the designated areas set forth in Section 23-922 (Community District 1, Borough of Brooklyn), except as set forth in paragraph (i) above and except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply.

* * *

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on March 1, 2006, on file in this office.

.....
City Clerk, Clerk of The Council