



## Legislation Details (With Text)

**File #:** Res 0490-2006      **Version:** \*      **Name:** LU 218 - Zoning Reso., Maspeth/Woodside R7X Inclusion, Queens (N060504ZRQ)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 8/16/2006

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 060504 ZRQ, an amendment to the text of the Zoning Resolution relating to Section 23-90 (Inclusionary Housing), to establish the Inclusionary Housing Program in two new R7X districts in Community District 2, Queens (L.U. No. 218).

**Sponsors:** Melinda R. Katz, Tony Avella

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 8/16/06

Date	Ver.	Action By	Action	Result
8/15/2006	*	Committee on Land Use	Approved by Committee	
8/16/2006	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 490

Resolution approving the decision of the City Planning Commission on Application No. N 060504 ZRQ, an amendment to the text of the Zoning Resolution relating to Section 23-90 (Inclusionary Housing), to establish the Inclusionary Housing Program in two new R7X districts in Community District 2, Queens (L.U. No. 218).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on July 14, 2006 its decision dated July 12, 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 060504 ZRQ) (the "Application");

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 August 14, 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 and the Negative Declaration, issued on May 22, 2006 (CEQR No. 06DCP104Q);

**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:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter in # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

### 23-141

Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in paragraph (a) of Section 23-144 23-147 (For non-profit residences for the elderly ~~in R3, R4, R5, R6 and R7 Districts~~), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following tables:

\* \* \*

### 23-142

In R6, R7, R8 or R9 Districts

R6 R7 R8 R9

Except as otherwise provided in the following Sections:

<u>Section 23-144</u>	<u>(In R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable)</u>
<u>Section 23-145</u>	<u>(For residential buildings developed or enlarged pursuant to the Quality Housing Program) and</u>
<u>Section 23-146</u>	<u>(Optional provisions for certain R5 and R6 Districts in Brooklyn), and</u>
<u>Section 23-147</u>	<u>(For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts)</u>

in the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following table for #buildings# with the #height factor# indicated in the table.

\* \* \*

### 23-143

For high buildings in R6, R7, R8 or R9 Districts

R6 R7 R8 R9

Except as otherwise provided in paragraph (a) of Section 23-144 23-147 (For non-profit residences for the elderly ~~in R3, R4, R5, R6 and R7 Districts~~), in the districts indicated, for #buildings# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

\* \* \*

### 23-144

**In R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable**

In R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable, as listed in the table below, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In R6, R7 and R8 Districts). The locations of such districts are specified in Section 23-922 (Certain R6, R7 and R8 Districts).

Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 7, Brooklyn	R8A
Community District 2, Queens	R7X

### 23-145

#### For residential buildings developed or enlarged pursuant to the Quality Housing Program

R6 R7 R8 R9 R10

\* \* \*

However, the #floor area ratios# in the table in this Section shall be modified in certain R6, R7 and R8A Districts within Community Districts 1 and 7, Borough of Brooklyn, as specified in Section 23-942 (In Community Districts 1 and 7, Borough of Brooklyn).

\* \* \*

### ~~23-144~~ 23-147

#### For non-profit residences for the elderly in ~~R3, R4, R5, R6 and R7~~ Districts

(a) In R3, R4, R5, R6 and R7 Districts

R3 R4 R5 R6 R7

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

Districts	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3	0.95	66.5
R4	1.29	39.4
R5	1.95	23.1
R6	3.90	17.7
R7	5.01	12.8

However, in R6 or R7 Districts, the minimum required #open space ratio# shall not apply to #non-profit residences for the elderly developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program. Such #developments# or #enlargements# shall be subject to the requirements of R6A or R7A Districts, respectively, as set forth in Section 23-147 (For non-profit residences for the elderly in R6A, R6B, R7A, R7B or R7X Districts); paragraph (b) of this Section.

### 23-147

#### For non-profit residences for the elderly in R6A, R6B, R7A, R7B and R7X Districts

(b) In R6A R6B R7A R7B R7X Districts

R6A R6B R7A R7B R7X

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

#### MAXIMUM LOT COVERAGE AND FAR

FOR  
NON-PROFIT RESIDENCES FOR THE ELDERLY  
(in percent)

Maximum #Lot Coverage#		Maximum #Floor Area Ratio#	District
#Corner Lot#	#Interior Lot# or #Through Lot#		
80	65	3.90	R6A
80	60	2.00	R6B
80	70	5.01	R7A
80	65	3.90	R7B
80	70	5.01	R7X

\* \* \*

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

\* \* \*

**23-92**  
**Applicability**

**23-921**  
**R10 Districts**

\* \* \*

**23-922**  
Community Districts 1 and 7, Borough of Brooklyn  
Certain R6, R7 and R8 Districts

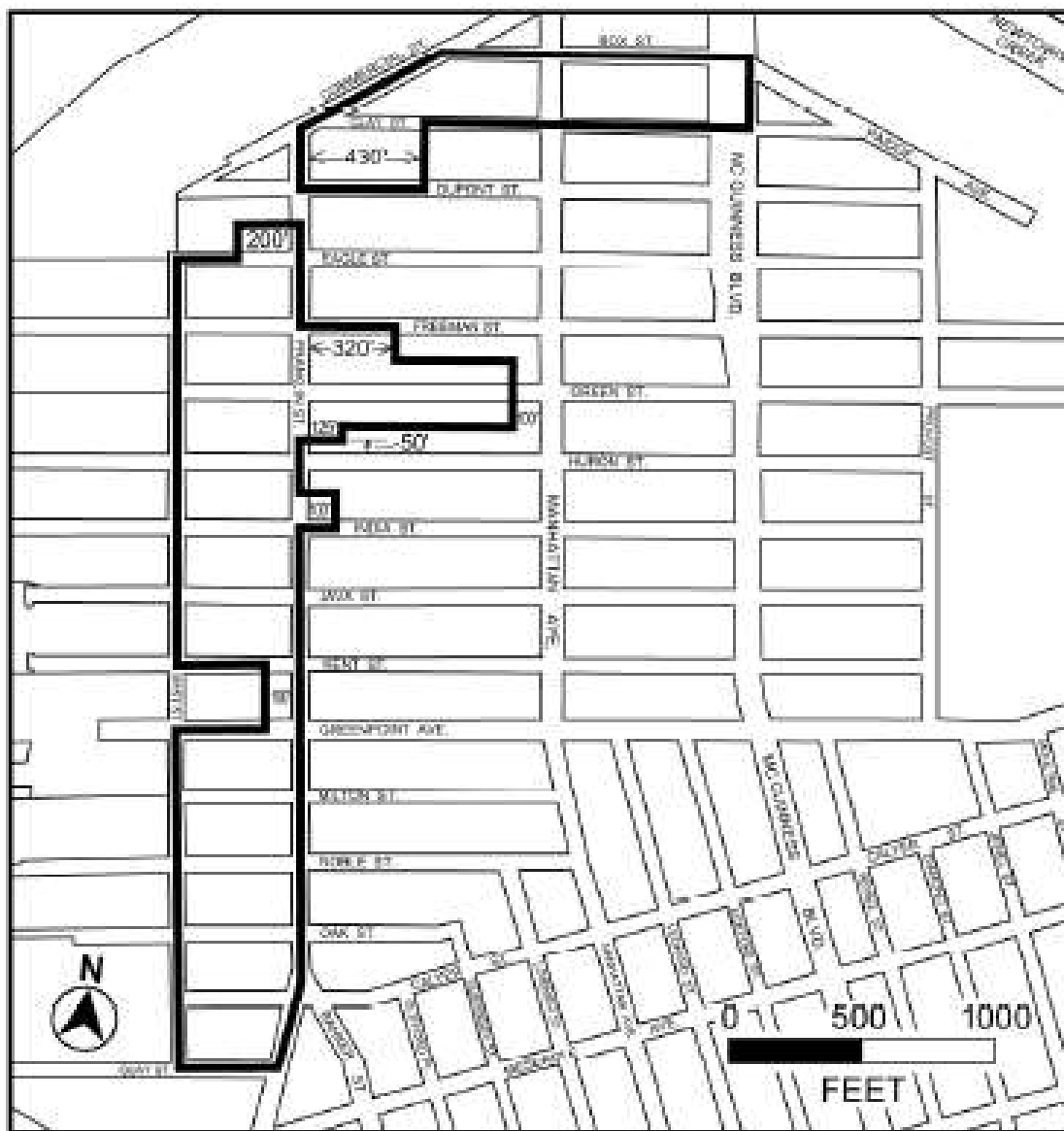
The Inclusionary Housing Program shall apply:

- (a) ~~In the following areas of Community District 1, in the Borough of Brooklyn: located in a 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 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, Metropolitan Avenue and North fourth Street;~~
    - (iii) ~~those #blocks# bounded by Wythe Avenue, Grand Street, Berry Street and South Third Street;~~

- (iv) these #blocks# and portions of #blocks# bounded by Bedford Avenue, North 1st Street, Driggs 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;
- (v) that portion of the #block# bounded by Havemeyer Street, Hope Street, Marey 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.

The Inclusionary Housing Program shall apply in the following areas:

- (a) In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK-1, as set forth in Section 62-352, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

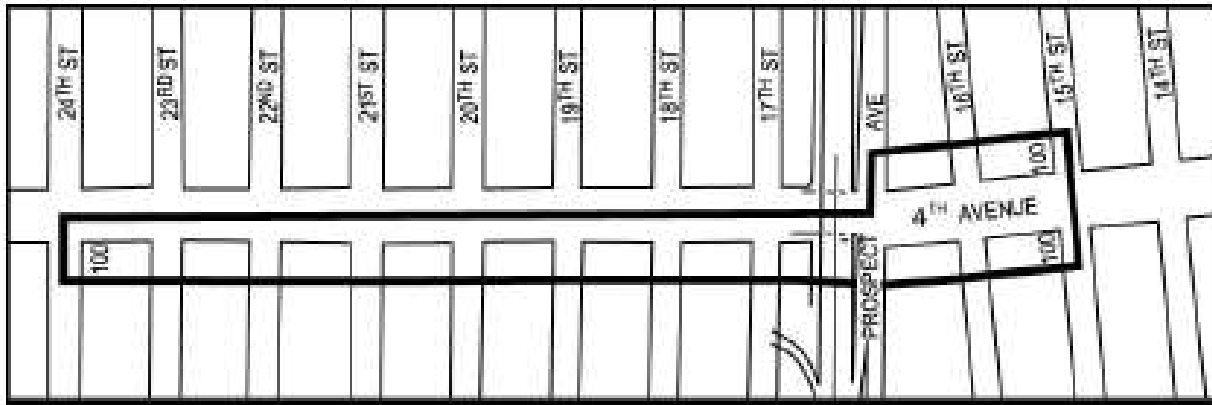


Map 1, Portion of Community District 1 Brooklyn



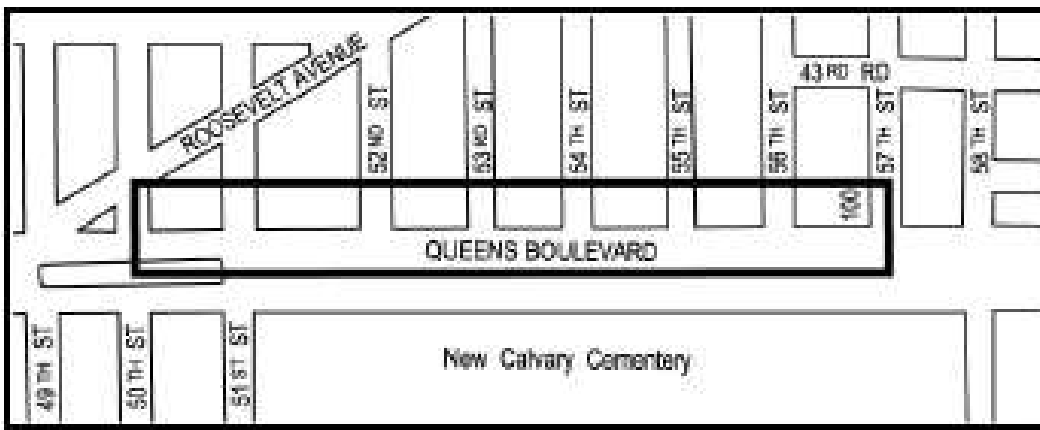
Map 2, Portion of Community District 1, Brooklyn

(b) In Community District 7, in the Borough of Brooklyn, in all the R8A districts within the area shown on the following Map 3:

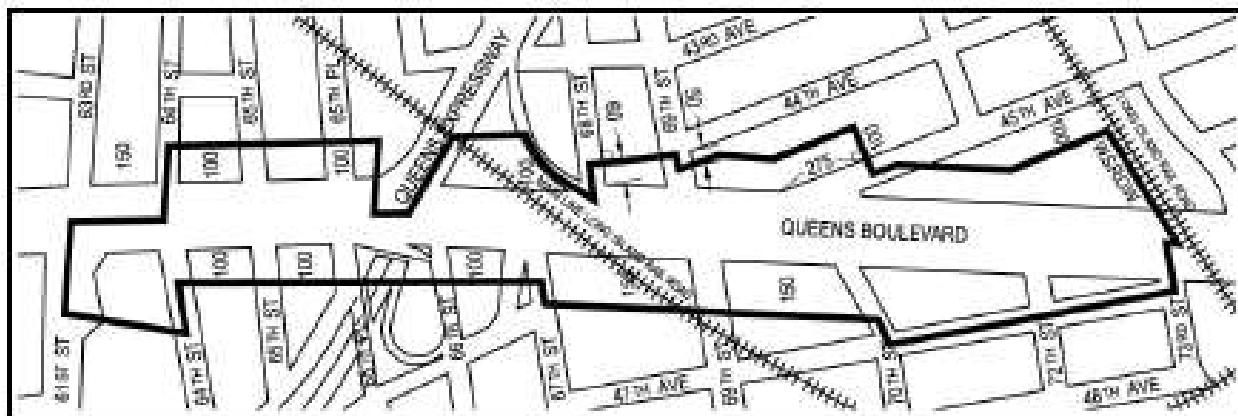


Map 3, Portion of Community District 7, Brooklyn

- (c) In Community District 2, in the Borough of Queens, in the R7X Districts within the areas shown on the following Maps 4 and 5:



Map 4, Portion of Community District 2, Queens



Map 5, Portion of Community District 2, Queens

**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. However, in *Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#*, 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.

\* \* \*

Fair rent

At initial occupancy of #lower income housing#, "fair rent" (the "Section 8 Standard") is an annual rent for each such housing equal to not more than either the public assistance shelter allowance if the #family# receives public assistance, or 30 percent of the annual income of the tenant of such housing, provided that such tenant is a #lower income household# at the time of initial occupancy pursuant to the provisions of this program.

Upon renewal of a lease for an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (a) the then-currently applicable "Section 8 Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income household# responsible for the payment of utilities as long as the sum of:



- (1) the initial #fair rent#; and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment do not exceed 30 percent of said #lower income household's# income.

However, in ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of #lower income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable Section 8 Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing#, no portion of the #fair rents# shall be for the payment of the principal or interest on any debt, and the #lower income housing# shall not secure any debt and shall be free of all liens, except liens for real estate taxes, water charges and sewer rents and other governmental charges for which payment is not yet due. #Fair rents# may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and is for a capital improvement to such #lower income housing# other than those capital improvements set forth in the #lower income housing plan#.

In ~~Community Districts 1, 2 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-95, paragraph(c), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

#### Lower income household

A "lower income household" is a #family# having an income equal to or less than the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

In ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~, #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

#### Lower income housing

"Lower income housing" are #standard units# occupied or to be occupied by #lower income households#. #Lower income housing# shall not include #standard units# assisted under city, state or federal programs, except where such assistance is in the form of:

- (a) real estate tax abatements and exemptions which are specifically limited to the #lower income housing#;  
or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5 percent of the "80 Percent of SMSA Limits" to afford such #lower income housing#.

However, in ~~Community Districts 1 and 7, Borough of Brooklyn~~, in #R6, R7 and R8 designated areas#, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

#### Lower income housing plan

\* \* \*

#### R6, R7 and R8 designated areas

"R6, R7 and R8 designated areas" shall be those areas specified in Section 23-922 (Certain R6, R7 and R8 Districts)

\* \* \*

#### **23-941**

##### **In R10 Districts**

\* \* \*

#### **23-942**

##### ~~In Community Districts 1 and 7, Borough of Brooklyn~~ In R6, R7 and R8 Districts

The provisions of this Section 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 following table, 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. However, 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#. In addition, the following rules shall apply:

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

R7X	3.75	5.0
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#

(b) Height and setback

- (1) Except in #Special Mixed Use Districts#, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 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.

(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 4 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~, 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 4 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#~~, 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#.

(g) Insurance

The #administering agent# of the #lower income housing# shall have said housing insured against any damage or destruction

in an amount equal to no less than the replacement value of such housing.

Any insurance proceeds received as a result of damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to #lower income housing#, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution. However, in ~~Community Districts 1 and 7, Borough of Brooklyn~~ #R6, R7 and R8 designated areas#, the Commissioner of Housing Preservation and Development may modify this requirement to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

\* \* \*

## 23-951

### On-site new construction option

To qualify for this option, the designated #lower income housing# shall meet the following requirements.

- (a) The #lower income housing# shall be located in newly constructed #floor area# in the #compensated development#. The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.
- (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 Districts 1 and 7, Borough of Brooklyn~~ #R6, R7 and R8 designated areas#, 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#.

## 23-952

### Substantial rehabilitation and off-site new construction options

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

- (a) The #lower income housing# shall be located either:
  - (1) within the same Community District as the #compensated development#; or
  - (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.

For the new construction option the #lower income housing# shall be in a new #building#. For the substantial rehabilitation options, the #lower income housing# shall be in an existing #building# in which, prior to the submission of the #lower income housing plan# pursuant to this Section, any #residential# portion not in public ownership had been entirely vacant for not less than three years.

Furthermore, in Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

- (b) The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.
- (c) On-site substantial rehabilitation units shall be those units on the same #zoning lot# as the #compensated development#.

### 23-953

#### Preservation option

To qualify for this option, the designated #lower income housing# shall meet the following requirements.

- (a) The #lower income housing# shall be located either:
  - (1) within the same Community District as the #compensated development#; or
  - (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.

The #lower income housing# shall be in an existing occupied #residential# or #mixed building#. Only #standard units# occupied by #lower income households# shall be #lower income housing#. For each #standard unit# designated as #lower income housing# the #administering agent# shall verify the income of the household in tenancy.

Furthermore, in Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 designated areas# the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

\* \* \*

### 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#.

In the designated areas set forth in Section 23-922 (Community Districts 1 and 7, Borough of Brooklyn Certain R6, R7 and R8 Districts), 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 the designated areas set forth in Section 23-922 (Community Districts 1 and 7, Borough of Brooklyn Certain R6, R7 and R8

Districts), 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.

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#.

\* \* \*

## ARTICLE XII SPECIAL PURPOSE DISTRICTS

### Chapter 3

#### Special Mixed Use Districts

\* \* \*

#### 123-63

##### Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the provisions of Sections 23-142 (In R6, R7, R8 or R9 Districts) through 23-144 regulating minimum required #open space ratios# and maximum #floor area ratios# minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

However, in designated R6, R7 or R8 Districts where the Inclusionary Housing Program is applicable, as listed below, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In R6, R7 and R8 Districts). The locations of such districts are specified in Section 23-922 (Certain R6, R7 and R8 Districts).

Special Mixed Use District	Designated Residence District
MX 8 Community District 1, Brooklyn	R6 R6A R6B R7A

#### 123-64

##### Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings

- (a) Maximum #floor area ratio#

\* \* \*

- (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 Certain R6, R7 and R8 Districts), 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 August 16, 2006, on file in this office.

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