

CITY COUNCIL
LAND USE DIVISION

2018 DEC 19 A 11: 53



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NYC COUNCIL
SPEAKER'S OFFICE
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2018 DEC 19 A 11: 40

December 19, 2018

City Council
City Hall
New York, NY 10007

Re: 29 Jay Street Rezoning and ZR Amendment
ULURP No. N 180345 ZRK
Related Applications: C 180344 ZMK
Borough of Brooklyn

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated December 18, 2018, from the City Council regarding the proposed modification to the above-referenced application submitted by Forman Ferry LLC for a Zoning Map Amendment and Zoning Text Amendment.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on December 19, 2018, has determined that the City Council's proposed modification raises no land use or environmental issues requiring further review.

Very truly yours,

A handwritten signature in blue ink that reads "Marisa Lago".

Marisa Lago

c: W. Von Engel D. DeCerbo K. Kraft A. Fabre
A. Laremont R. Singer J. Mangin H. Marcus

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Fl. - New York, N.Y. 10271
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December 18, 2018

Honorable Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

**Re: Application No.: N 180345 ZRK (L.U. No. 281)
Related Application No. C 180344 ZMK (L.U. No. 280)**

29 Jay Street Rezoning

Dear Chair Lago:

On December 18, 2018, the Land Use Committee of the City Council, by vote of 17-0-0, recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission:

N 180345 ZRK (L.U. No. 281)

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

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

Matter ~~double-struck-out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

Honorable Marisa Lago, Chair
N 180345 ZRK (L.U. No. 281)
29 Jay Street Rezoning
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Article XII - Special Purpose Districts

**Chapter 3
Special Mixed Use District**

* * *

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts) 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 Sections 23-153 (For Quality Housing buildings) or 23-155 (Affordable independent residences for seniors), as applicable.

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 100 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 100 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Sections 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

<u>#Special Mixed Use District#</u>	<u>Designated #Residence District#</u>
MX 2 – Community District 2, Brooklyn	R7A R8A <u>R8X</u>
MX 4 – Community District 3, Brooklyn	R6A
MX 8 – Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 – Community District 6, Brooklyn	R7-2
MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A
MX 14 – Community District 6, The Bronx	R7A R7X
MX 16 – Community Districts 5 and 16 Brooklyn	R6A R7A R7D R8A

* * *

**123-66
 Height and Setback Regulations**

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

The following modifications of height and setback regulations set forth in paragraphs (a) and (b) apply in Historic Districts designated by the Landmarks Preservation Commission:

- (a) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.
- (b) In #Special Mixed Use District# 2 in the Borough of Brooklyn, where the designated #Residence District# is an R8X District, the maximum base height of a #street wall# may vary between the maximum base height set forth in this Chapter, and the height of the

#street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height set forth in this Chapter. For the purposes of this paragraph (b), a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.

On #waterfront blocks#, as defined in Section 62-11, where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section 62-34, inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply.

* * *

123-662

All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

* * *

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section 23-662 shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section 23-662, the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non- #residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section 26-52 (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section 23-663. In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section 23-664 shall apply. Separate maximum #building# heights are set forth within

Honorable Marisa Lago, Chair
N 180345 ZRK (L.U. No. 281)
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Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#. In R8X districts in Special Mixed-Use District MX-2, the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the maximum #building# height and setback regulations applicable to an R8A district. For purposes of this provision, "predominantly" shall mean at least 75 percent of the #floor area# of a #building#.

* * *

Please feel free to contact me at (212) 482-5185 if you or your staff have any questions in this regard.

Sincerely,



Julie Lubin
General Counsel

JL:mcs

RECEIVED BY: _____

DATE: _____

TIME: _____

- C: Members, City Planning Commission
- Raju Mann, Director, Land Use Division
- Amy Levitan, Deputy Director
- Jeff Campagna, Deputy General Counsel
- Angelina Martinez-Rubio, Deputy General Counsel
- Arthur Huh, Assistant General Counsel
- Brian Paul, Project Manager
- Anita Laremont, Esq., DCP
- Danielle J. DeCerbo, DCP
- File

