



Legislation Text

File #: Res 1057-2016, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1057**

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 160050 ZRK, for an amendment of the Zoning Resolution of the City of New York, for the purpose of establishing Special Mixed Use District 16, establishing Special Enhanced Commercial Districts, and establishing a Mandatory Inclusionary Housing Area in Community Districts 5 and 16, Borough of Brooklyn (L.U. No. 344).

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on February 29, 2016 its decision dated February 24, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, for the purpose of establishing Special Mixed Use District 16, establishing Special Enhanced Commercial Districts, and establishing a Mandatory Inclusionary Housing Area (Application No. N 160050 ZRK), Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 160035 ZMK (L.U. No. 341), an amendment to the Zoning Map to change R5, R6, C8-1, C8-2, M1-1 and M1-2 districts to R5B, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-5D, M1-1/R6A, M1-1/R7D and M1-1/R8A districts, eliminate and establish new commercial overlays, establish a Special Mixed Use District, and establish Special Enhanced Commercial Districts; C 160037 HUK (L.U. No. 342), an amendment to the Dinsmore-Chestnut Urban Renewal Plan; and C 160042 HDK (L.U. No. 343), a disposition of property within the Dinsmore-Chestnut Urban Renewal Area;

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 March 7, 2016;

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 Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on February 12, 2016 (CEQR No. 15DCP102K), the CEQR Technical Memorandum dated February 24, 2016, and the CEQR Technical Memorandum dated April 15, 2016 (together the "CEQR Technical Memoranda");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 160050 ZRK, incorporated by reference herein, the Council approves the Decision with the following modifications:

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 text proposed to be added by the Decision;
Matter in ~~strikeout~~ is text proposed to be deleted by the Decision;
Matter with # # is defined in Section 12-10;
Matter in double strikeout is text deleted by the Council;
Matter in double-underline is new text added by the Council;
* * * indicates where unchanged text appears in the Zoning Resolution

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

* * *

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 Section 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
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

123-64

Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings

For zoning lots containing mixed use buildings, the following provisions shall apply.

- (a) Maximum floor area ratio

* * *

- (4) Maximum floor area in mixed use buildings

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

However, in Inclusionary Housing designated areas and in Mandatory Inclusionary Housing areas, except within Waterfront Access Plan BK-1, the maximum floor area ratio permitted for zoning lots containing residential and commercial, community facility or manufacturing uses shall be the base floor area ratio set forth in Section 23-952154 (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 housing, pursuant to Section 23-90, inclusive.

* * *

123-90

SPECIAL MIXED USE DISTRICTS SPECIFIED

The Special Mixed Use District is mapped in the following areas:

* * *

Special Mixed Use District - 15: (11/13/12)
West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 16: [date of adoption]
Ocean Hill/East New York, Brooklyn

The #Special Mixed Use District# - 16 is established in Ocean Hill and East New York in Brooklyn as indicated on the #zoning maps#.

* * *

Article XIII - Special Purpose Districts

Chapter 2 Special Enhanced Commercial District

132-00 GENERAL PURPOSES

The “Special Enhanced Commercial District,” established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

* * *

- (d) in “Special Enhanced Commercial District” 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages; ~~and~~
- (e) in “Special Enhanced Commercial District” 5, to enhance the vitality of emerging commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (f) in “Special Enhanced Commercial District” 6, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to be occupied by active uses that enliven the pedestrian experience along the street; and
- (eg) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

* * *

132-11 Special Enhanced Commercial Districts Specified

The #Special Enhanced Commercial District# is mapped in the following areas:

- (a) #Special Enhanced Commercial District# 1 (~~11/29/11~~)

The #Special Enhanced Commercial District# 1 (EC-1) is established on (11/29/11) on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

- (~~1~~) Fourth Avenue, in the Borough of Brooklyn, generally between 24th Street and Atlantic Avenue.

(b) #Special Enhanced Commercial District# 2 (6/28/12)

The #Special Enhanced Commercial District# 2 (EC-2) is established on (6/28/12) on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and
- (2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3 (6/28/12)

The #Special Enhanced Commercial District# 3 (EC-3) is established on (6/28/12) on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (4) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4 (10/11/12)

The #Special Enhanced Commercial District# 4 (EC-4) is established on (10/11/12) on the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

- (4) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner Place and Monroe Street.

(e) #Special Enhanced Commercial District# 5

The #Special Enhanced Commercial District# 5 (EC-5) is established on [date of adoption] on the following #designated commercial streets# as indicated on #zoning map# 17c:

- (1) Atlantic Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Euclid Avenue;
- (2) Pitkin Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Crescent Avenue;
- (3) Fulton Street, in the Borough of Brooklyn, generally between Eastern Parkway and Van Sinderen Avenue; and
- (4) Pennsylvania Avenue, in the Borough of Brooklyn, generally between Fulton Street and Atlantic Avenue.

(f) #Special Enhanced Commercial District# 6

The #Special Enhanced Commercial District# 6 (EC-6) is established on [date of adoption] on the following #designated commercial streets# as indicated on #zoning map# 17c:

Fulton Street between Sheffield Avenue and Euclid Avenue.

* * *

**132-13
Applicability of Special Use, Transparency, Street Wall and Parking Regulations**

The special #use#, transparency, street wall and parking regulations of this Chapter shall apply to #buildings# in #Special Enhanced Commercial Districts# as designated in the following table, except as otherwise provided in Sections 132-21, 132-31 and 132-41.

Table
Special Regulations for Enhanced Commercial Districts

Use Regulations

#Special Enhanced Commercial District#	Mandatory Ground Floor #Uses#			Minimum Number of Establishments (132-23)
	Minimum Percentage of #Commercial Uses# (132-22(a))	Mandatory #Residential# (132-22(b))	Other Permitted #Uses# (133-	
EC - 1 (Fourth Avenue, Brooklyn)	x		x	
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)				x
EC - 3 (Broadway, Manhattan)				
EC - 4 (Broadway, Brooklyn)		x	x	
EC - 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)		x	x	
EC - 6 (Fulton Street, Brooklyn)		x	x	

#Special Enhanced Commercial District#	Maximum #Street Wall# Width		
	Banks and Loan Offices (132-24(a))	Other Non-Residential Establishmen 132-24(b))	#Residential# Lobbies (132-24(c))
EC - 1 (Fourth Avenue, Brooklyn)			x
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)	x	x	x
EC - 3 (Broadway, Manhattan)	x		x
EC - 4 (Broadway, Brooklyn)			x
EC - 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)			x
EC - 6 (Fulton Street, Brooklyn)			x

Transparency, Street Wall and Parking Regulations

#Special Enhanced Commercial District#	Ground Floor Transparency (132-32)	Street Wall Location (132-33)	Location of Parking Spaces (132-42)	Curb Cuts (132-43)

EC - 1 (Fourth Avenue, Brooklyn)	x		x	x
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)	x			
EC - 3 (Broadway, Manhattan)	x			
EC - 4 (Broadway, Brooklyn)	x		x	x
EC - 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)	x		x	x
EC - 6 (Fulton Street, Brooklyn)	x	x	x	x

**132-20
SPECIAL USE REGULATIONS**

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-21 (Applicability of Use Regulations).

* * *

**132-21
Applicability of Use Regulations**

In #Special Enhanced Commercial Districts#, the applicable special #use# provisions set forth in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply as follows:

- (a) #Special Enhanced Commercial Districts# 1 and 4, 5 and 6

In the #Commercial Districts# located within #Special Enhanced Commercial Districts# 1 and 4, 5 and 6, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, ~~except that such provisions shall not apply to #zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on:~~

* * *

**132-22
Mandatory Ground Floor Uses**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon a #designated commercial street#.

* * *

**132-23
Minimum Number of Establishments**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

* * *

**132-24
Maximum Street Wall Width**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

* * *

**132-30
SPECIAL TRANSPARENCY AND STREET WALL LOCATION REGULATIONS**

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-31.

**132-31
Applicability of Transparency Regulations**

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts on a #designated commercial street#, except that such provisions shall not apply:

- (a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:
- (1) November 29, 2011, for #Special Enhanced Commercial District# 1;
 - (2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3; and
 - (3) October 11, 2012, for #Special Enhanced Commercial District# 4; and
 - (4) [date of adoption], for #Special Enhanced Commercial Districts# 5 and 6; and
- (b) to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4; and
- (e)(b) in #Special Enhanced Commercial Districts# 1 and 4, 5 and 6, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units# or #rooming units#.

132-32 Ground Floor Level Transparency Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the special transparency regulations of this Section 37-34 (Minimum Transparency Requirements) shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#.

* * *

However, in #Special Enhanced Commercial Districts# 5 and 6, for #buildings# containing Use Groups 16, 17 and 18 at the #ground floor level#, up to 50 percent of the length of a #street wall# may be exempt from such regulations. Where the exempted portion is 50 feet or more in length and contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is less, such exempted portion shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than two feet, six inches, and a minimum width of 24 inches. Where an #extension# or a #conversion# of the #ground floor level# results in a reduction of the exempted portion, provisions set forth in 37-34 (Minimum Transparency Regulations) shall apply to such reduced portion.

132-33 Street Wall Location

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to a #street wall# or its prolongation fronting along a #designated commercial street#. The open area between the #street line# and #street wall#, or its prolongation, resulting from requirements set forth in this provision, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. When applying requirements set forth in this provision, two or more adjacent #developments# or #enlargements# under common ownership or control shall be considered a single #development# or #enlargement#.

In Commercial and Manufacturing Districts, other than C4-4L Districts, mapped within #Special Enhanced Commercial District# 6, for #developments# or horizontal #enlargements# at the ground level, resulting in a #street wall# of 40 feet or

wider, as measured along the #street line# of the #designated commercial street#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

132-40 SPECIAL PARKING REGULATIONS

The special parking regulations of this Section, inclusive, shall apply to all #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations).

132-41 Applicability of Parking Regulations

In #Special Enhanced Commercial Districts#, the applicable special parking provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to all #buildings# with frontage along a #designated commercial street#.

132-42 Locations of Parking Spaces

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

* * *

132-43 Curb Cut Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along a #designated commercial street#.

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on:
 - (1) November 29, 2011, in #Special Enhanced Commercial District# 1; or
 - (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
 - (3) [date of adoption], in #Special Enhanced Commercial District# 5; or

- (4) [date of adoption], in #Special Enhanced Commercial District# 6;
- (c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and
- (d) has a #lot area# of at least 5,700 square feet.

132-50
CERTIFICATIONS AND AUTHORIZATIONS

* * *

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 Area
by Zoning Map

* * *

BROOKLYN

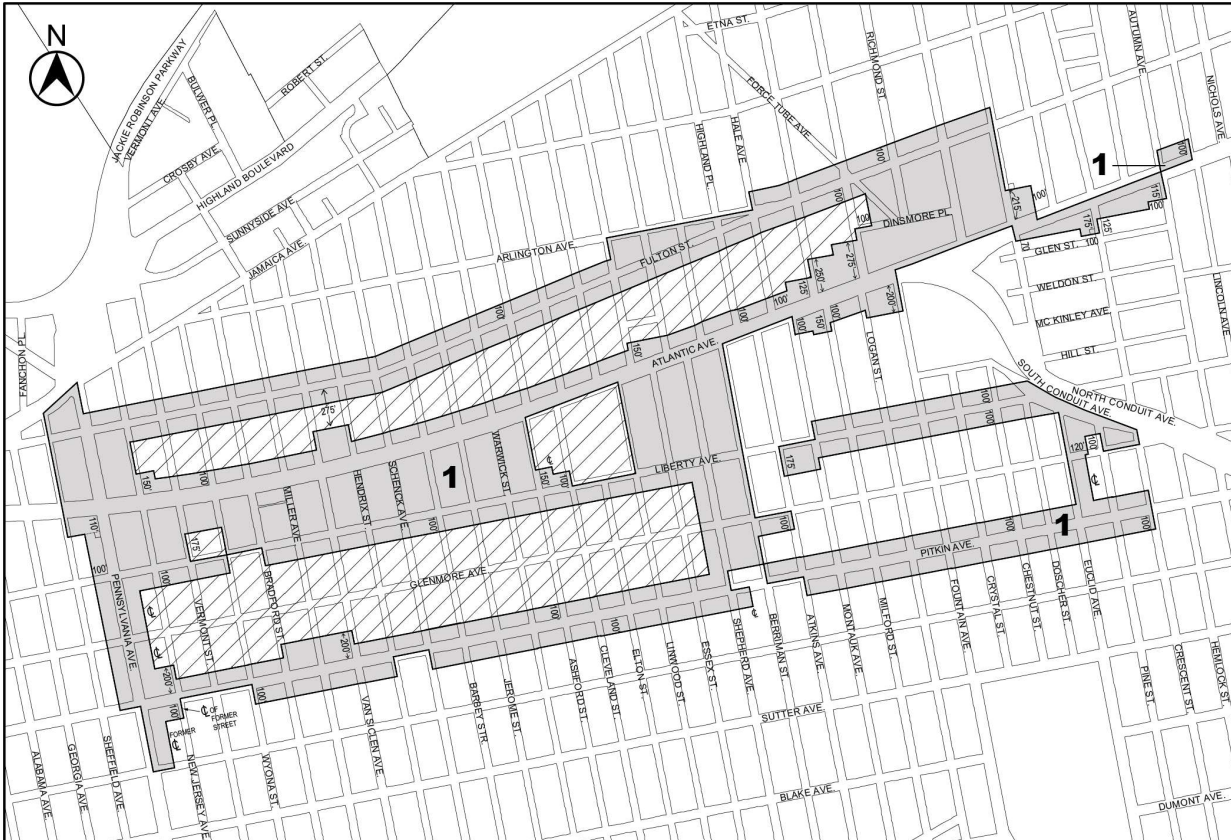
* * *

Brooklyn Community District 5

In the R6A, R6B, R7, R7A and R8A Districts within the areas shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



- Mandatory Inclusionary Housing Area (MIHA)
MIHA 1 [date of adoption] MIH Program Option 1 and Deep Affordability Option [Section 23-154(d) (3)]
- Not included in IHDA nor MIHA

Portion of Community District 5, Brooklyn

* * *

* * *

Brooklyn Community District 16

In the R6A, R6B, R7A and R7D Districts within the areas shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Area (MIHA)
MIHA 1 [date of adoption] MIH Program Option 1 and Deep Affordability Option [Section 23-154(d)
 (3)]

Portion of Community District 16, Brooklyn

* * *
END

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 April 20, 2016, on file in this office.

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

