



Legislation Details (With Text)

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Title: Resolution approving with modifications the decision of the City Planning Commission on Application No. N 050110 (A) ZRK, an amendment to the text of the Zoning Resolution relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Mixed Use District (MX-8) in Greenpoint-Williamsburg, Community District 1, Brooklyn; and the elimination of Article IX, Chapter 7 (Special Northside Mixed Use District) and Article X, Chapter 8 (Special Franklin Street Mixed Use District) (L.U. No. 424).

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 5/11/05

Date	Ver.	Action By	Action	Result
5/3/2005	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
5/11/2005	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 962

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 050110 (A) ZRK, an amendment to the text of the Zoning Resolution relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Mixed Use District (MX-8) in Greenpoint-Williamsburg, Community District 1, Brooklyn; and the elimination of Article IX, Chapter 7 (Special Northside Mixed Use District) and Article X, Chapter 8 (Special Franklin Street Mixed Use District) (L.U. No. 424).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on March 14, 2005 its decision dated March 14, 2005 (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 050148 ZRY) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 050111 (A) ZMK (L.U. No. 425), an amendment of the Zoning Map, Section Nos. 8d, 9b, 12c, 12d, 13a, and 13b to rezone approximately 183 blocks to R6, C2-4/R6, C1-4/R6, R6B, C2-4/R6B, C1-4/R6B, R6A, C2-4/R6A, C1-4/R6A, R8, C2-4/R8, M1-2, M1-2/R6B, M1-2/R6A, M1-2/R6, M1-2/R7A, and MX-8; C 040415 MMK (L.U. No. 426), the elimination,

discontinuance, and closing of a portion of North 12th Street between Kent Avenue and the U.S. Pierhead Line, the establishment of Inlet Park, and the delineation of sewer corridors; C 040416 MMK (L.U. No. 427), the elimination of a portion of Quay Street between West Street and the U.S. Bulkhead Line, the establishment of Inlet Park, and the delineation of a sewer corridor; C 040417 MMK (L.U. No. 428), the elimination, discontinuance, and closing of a portion of North 11th Street between Kent Avenue and the U.S. Pierhead Line, the establishment of Inlet Park, and the delineation of a sewer corridor; and C 040418 MMK (L.U. No. 429), the elimination, discontinuance, and closing of portions of North 9th Street and North 10th Street between Kent Avenue and the U.S. Pierhead Line, and the establishment of Inlet Park;

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 April 4, 2005;

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

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on October 8, 2003, and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement (DEIS). A public meeting on the Draft Scope of Work for the DEIS was held on November 13, 2003, and the Final Scope of Work for the DEIS was issued on June 4, 2004.

The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on October 4, 2004. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on January 19, 2005, in conjunction with the public hearing on this ULURP item (N 050110 (A) ZRK) and the related items (C 040415 MMK, C 040416 MMK, C 040417 MMK, C040418 MMK, N050110 ZRK, C 050111 ZMK, and C 050111(A) ZMK).

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on March 4, 2005. The FEIS included an alternative, the Revised Affordable Housing Bonus Incentive (Revised AHBI) Alternative, which reflects the modified ULURP applications (N 050110 (A) ZRK and C 050111(A) ZMK) that were submitted subsequent to the issuance of the DEIS. On March 11, 2005, subsequent to the issuance of the FEIS, a Technical Memorandum was completed which addresses the potential impacts of certain CPC modifications to the modified applications (N050110 (A) ZRK and C050111 (A) ZMK), which are discussed later in this report.

The following is a summary of the significant adverse impacts and proposed mitigation measures identified for the Revised AHBI Alternative, as set forth in the FEIS inclusive of Appendix J thereto. The summary is followed by a description of the conclusions of the Technical Memorandum prepared with respect to the CPC modifications.

RESOLVED:

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 with modifications; 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 in **bold double underline** is new, to be added by City Council;

Matter in [brackets] to be deleted by City Council;

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

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

* * *

23-145

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

R6 R7 R8 R9

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for any #residential building# on a #zoning lot developed# or #enlarged# pursuant to the Quality Housing Program shall be as set forth in the following table and the maximums for #developments#, or #enlargements# where permitted, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

MAXIMUM LOT COVERAGE AND FAR FOR QUALITY HOUSING BUILDINGS (in percent)

(TABLE)

However, t[T]he #floor area ratios# in the table above [may be increased] **shall be modified** in certain R6 and R7 Districts within Community District 1, Borough of Brooklyn, [pursuant to Section 23-90 (INCLUSIONARY HOUSING)] as specified in Section 23-942 (In Community District 1, Borough of Brooklyn).

* * *

23-90

INCLUSIONARY HOUSING

23-91

General Provisions

~~R10~~

~~In the district indicated,~~ An Inclusionary Housing program is established in those areas designated in Section 23-92 (Applicability) to preserve and to promote a mixture of low to upper income housing within neighborhoods experiencing a shift from mixed to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-9495.

23-92

Applicability

23-921

R10 Districts

The Inclusionary Housing Program shall apply in R10 Districts.

23-922

Community District 1, Borough of Brooklyn

The Inclusionary Housing Program shall apply 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:

- (a) Waterfront Access Plan BK-1, as set forth in Section 62-352;
- (b) all #Special Mixed Use Districts#;
- (c) all R6A, R6B and R7A Districts; and
- (d) the following R6 areas:
 - (1) the #block# bounded by Havemeyer Street, North Sixth Street, Metropolitan Avenue and North Fifth Street;
 - (2) the #block# bounded by Roebling Street, North Fifth Street, Havemeyer Street and Metropolitan Avenue;
 - (3) those #blocks# bounded by Wythe Avenue, Grand Street, Berry Street and South Third Street;
 - (4) those #blocks# and portions of #blocks# bounded by Bedford Avenue, North 1st Street, Driggs Street, 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

- (5) 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.

~~23-92~~ 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#.

* * *

Fair rent

* * *

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 District 1, Borough of Brooklyn, 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 District 1, Borough of Brooklyn, 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(c) of this Resolution, 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 District 1, Borough of Brooklyn, #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 District 1, Borough of Brooklyn, #lower income housing# shall include #standard units# assisted under city, state or federal programs.

Lower income housing plan

The "lower income housing plan", is the plan accepted by the Commissioner of Housing Preservation and Development, which sets forth the developer's plans for creating and maintaining the specified #lower income housing# pursuant to this program, including but not limited to, choice of #administering agent#, tenant selection, rent levels in the #lower income housing# and income verification of tenants pursuant to Section 23-94 23-95 paragraphs (b), (c) and (d) of this Resolution.

* * *

~~23-93~~ 23-94

Floor Area Compensation

23-941

In R10 Districts

The #floor area ratio# of a #development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if the developer of such #development# provides #lower income housing# pursuant to Section 23-94 23-95 (Lower Income Housing Requirements).

For each square foot of #floor area# provided for #lower income housing# pursuant to the options listed in Column A and which meets the requirements set forth in Section 23-94 23-95, the #floor area# of the #development# may be increased by the number of square feet set forth in Column B.

* * *

23-942

In Community District 1, 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. The #floor area# of a #development# or #enlargement# may **not exceed the base #floor area ratio#, except that such #floor area# may** be increased by [two] **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 below. In addition, the following rules shall apply:

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

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.0	2.2
R6*	2.2	2.42
R6A	[3.0] <u>2.7</u>	<u>3.6</u>
<u>R6**</u>	[3.0] <u>2.7</u>	<u>3.6</u>
<u>R7A</u>	[4.0] <u>3.45</u>	<u>4.6</u>

- * 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#

~~23-94~~ 23-95

Lower Income Housing Requirements

~~R10~~

To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing# for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Section ~~23-941, 23-942 and 23-943, 23-951, 23-952 and 23-953~~ and such #lower income housing# must meet each of the requirements set forth below.

* * *

(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 District 1, Borough of Brooklyn, 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.

~~23-941~~ 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 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#.

23-942 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 District 1, Borough of Brooklyn, 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#.

* * *

23-943 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 District 1, Borough of Brooklyn, 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#.

The following rules shall apply in the designated areas set forth in Section 23-922 (Community District 1, 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, Roebing 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 maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. ~~However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).~~

In Community District 7, Borough of Manhattan, the maximum #floor area ratio# permitted for a #residential use# set forth in Article II, Chapter 3 may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).

The following rules shall apply in the designated areas set forth in Section 23-922 (Community District 1, 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.

* * *

ARTICLE VI

CHAPTER 2: SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA

* * *

62-14

Requirements for Recordation

* * *

In addition, the preceding public access elements shall be recorded on the certificate of occupancy by the Department of Buildings or Business services, as applicable, and shall be a condition of issuance of such certificate of occupancy.

For parcels identified in Waterfront Access Plan BK-1 for which an alternate plan for joint maintenance and operation has been approved or for which a transfer to the City is proposed pursuant to paragraph (e) of Section 62-624, the provisions of such [plan and the] instruments [established pursuant thereto] as are necessary to effectuate such paragraph shall supersede those of the maintenance and operation agreement described in this Section 62-14.

* * *

62-20

SPECIAL USE REGULATIONS

* * *

62-29

Special Use Regulations for Waterfront Access Plan BK-1

All Use Group 6 and 9 #uses# delineated in Section 62-212 (Waterfront-Enhancing Uses) not otherwise permitted, shall be a permitted use on any parcel identified in Waterfront Access Plan BK-1, provided that such use is limited to not more than 10,000 square feet of #floor area# per establishment; the total amount of #floor area# used for such #uses# does not exceed two per cent of the total amount of #floor area# permitted on such parcel; and such #uses# are located below the level of the first #story# ceiling of a #building# or are located on a #pier# or #platform#.

Additionally, Docks for water taxis (Use Group 6) and Docks or mooring facilities for non-commercial pleasure boats (Use Group 6) shall be a permitted use on any parcel identified in Waterfront Access Plan BK-1.

* * *

62-30

SPECIAL BULK REGULATIONS

All #zoning lots# within #waterfront blocks# shall comply with the #bulk# regulations of this Section. For the purposes of this Section, non-#waterfront blocks# included in Waterfront Access Plan BK-1 shall be considered to be #waterfront blocks#. Existing non-complying buildings or other structures shall be subject to the provisions of Article V (Non-Conforming Uses and non-complying Buildings).

* * *

62-31

Bulk Computations on Waterfront Zoning Lots

* * *

- (a) #Floor area#, #dwelling units# or #rooming units# generated by existing #piers# or #platforms# within the #seaward lot# may be located anywhere on the #zoning lot# provided the amount on the #upland lot# does not exceed the maximum for the district on such portion of the #zoning lot# by more than 20 percent. No #bulk# distribution from the #seaward lot# shall be permitted for new #piers# or #platforms#, except within Waterfront Access Plan BK-1. Such # bulk# distribution shall be permitted for new portions of #piers# located within Waterfront Access Plan BK-1, provided that such new portion of the #pier# is accessed from a portion of an existing #pier# containing not less than 25 percent of the #water coverage# of such existing #pier# and that the #water coverage# of the new and existing portions of the #pier# does not exceed the #water coverage# of the existing #pier#.

* * *

62-35

Special Bulk Regulations within Waterfront Access Plan BK-1

Within Waterfront Access Plan BK-1, the special #bulk# regulations of this Chapter are further modified as set forth in this Section 62-35, inclusive.

62-351

Special floor area regulations

- (a) Maximum permitted #floor area ratio#

In R6 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 2.43. In R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be [5.5]4.88. In R6 and R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# may be increased for #developments# and #enlargements# that provide lower income housing pursuant to Section 62-352.

- (b) #Buildings# used for #accessory# off-#street# parking spaces

The #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

62-352

Inclusionary Housing

The provisions of Section 23-90 (INCLUSIONARY HOUSING) shall apply in R6 and R8 Districts within Waterfront Access Plan BK-1 as modified in this Section.

- (a) Definitions

Fair rent

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# [or a #middle income household#] as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such 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:

- (1) the then-currently applicable "30 Percent Standard"; or
- (2) 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#[,] or #moderate income[# or #middle income] household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income#[,] or #moderate income[# or #middle income] household's# income :

- (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.

However, 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 a #moderate income[# or #middle 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 30 Percent Standard or the Rent Stabilization Standard.

Lower income housing

For the purposes of this Section, "lower income housing" shall include #standard units# occupied or to be occupied by #lower income#[,] or #moderate income[# or #middle income] households#.

Moderate income household

For the purposes of this Section 62-352, a "moderate income household" is a #family# having an

income equal to or less than the following proportion:

$$\frac{125}{80}$$

of 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.

[Middle income household

For the purposes of this Section 62-352, a “middle income household” is a #family# having an income equal to or less than the following proportion:

$$\frac{175}{80}$$

of 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.]

(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 [5.5]4.88 to 6.5, provided that:

(i) at least [15]20% of the total #floor area# on the #zoning lot# is occupied by lower income households#, or

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

(iii) at least 10% of the total #floor area# on the #zoning lot# is occupied by lower income households# and at least 15% of the total #floor area# on the #zoning lot# is occupied by #middle 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 #floor area# on the #zoning lot# is occupied by #lower income households#, or

(ii) at least 5% of the total #floor area# on the #zoning lot# is occupied by #lower

income households# and at least 5% of the total #floor area# on the #zoning lot# is occupied by #moderate income households#; [or

- (iii) at least 5% of the total #floor area# on the #zoning lot# is occupied by #lower income households# and at least 7.5% of the total #floor area# on the #zoning lot# is occupied by #middle income households#.]

Where #lower#[,] or #moderate[# or #middle] 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.

(c) Lower Income Housing Requirements

#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the lower income housing requirements of Section 23-95, except as modified in this paragraph (c).

- (1) The provisions of Section 23-95(b) shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate[# and #middle] income households#, and sublessees of a #moderate[# or #middle] income household# may also be a #moderate[# or #middle] income household#.

Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#[,] or #moderate[# or #middle] income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#[,] or #moderate[# or #middle] income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

- (2) The provisions of Section 23-95(d) shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#[,] or #moderate[# or #middle] income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#[,] or #moderate[# or #middle] income households# as required by the provisions of this Section and in the approved #lower income housing plan#.

- (3) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Section 23-951(a), 23-952(b) and 23-953(a), #lower income housing# shall be maintained and leased to #lower#[,] or #moderate[# or #middle] income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower

income housing plan#. Furthermore, Section 23-953(a) shall be modified to provide that 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#.

(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. 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.

Prior to the issuance of any temporary or permanent certificate of occupancy 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), the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

62-353

Special floor area, lot coverage and residential density distribution regulations

Within any parcel identified in Section 62-831, and with respect to any such parcels which are adjacent to each other and which are under single fee ownership and with respect to which each party having any interest therein is a party in interest (as defined in (e) of the definition of a #zoning lot# in Section 12-10) or with respect to which each party in interest (as defined in (f)(4) of the definition of a #zoning lot# in Section 12-10) has executed a declaration declaring that the properties are to be develop as a single parcel or has waived its right to execute such declaration, the total #lot coverage# permitted pursuant to Section 62-322, the total #floor area# permitted pursuant to Section 62-351 or 62-352 and the residential density permitted pursuant to Section 23-22

may be located anywhere within such parcel or between such parcels without regard to #zoning lot lines# or district boundaries provided that such location of #floor area#, #lot coverage# or residential density complies with Section 62-31 and Section 62-34 as modified by Section 62-354.

62-354

Special Height and Setback Regulations

The provisions of Section 62-341 (Developments on land and platforms) are modified as follows:

- (a) Paragraph (c)(1) (Maximum base height) shall be modified in R6 Districts to permit a maximum base height of 65 feet or six #stories#, whichever is less. However, for #buildings or other structure# located on a #zoning lot# with more than 100 feet of frontage on a #street# in R6 Districts, at least 20 percent of such frontage shall not exceed a maximum base height of 55 feet or 5 #stories#, whichever is less.
- (b) Paragraph (c)(2) (Maximum #building# height) shall not apply. In lieu thereof, the provisions of this paragraph (b) shall apply:
 - (1) The maximum #building# height in an R6 District shall be 65 feet or six #stories#, whichever is less, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street and Kent Avenue. Beyond 100 feet of such #streets# and any other portions of an R6 District, the maximum #building# height shall be 110 feet. In R8 Districts, the maximum #building# height shall be [210] 190 feet, except that for #zoning lots developed# with multiple #buildings# or portions of #buildings# that exceed a height of [200] 180 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of [210] 190 feet to a maximum #building# height of [310] 290 feet. Such maximum #building# heights of 110 feet, [210] 190 feet and [310] 290 feet may be exceeded by a penthouse portion of a #building#, provided any #story# of a #building# within such penthouse portion does not exceed 85 percent of the gross area of the highest #story# of the same #building# entirely below a height of 110 feet, [210] 190 feet or [310] 290 feet, as applicable, and the maximum height of such penthouse portion does not exceed 40 feet.
 - (2) For #developments# that provide #lower income housing# pursuant to Section 62-352, the increased #floor area# permitted for such #developments# may exceed the height limits of an R8 District set forth in this paragraph (b) provided that the maximum building height shall be 260 feet, except that for #zoning lots developed# with multiple #buildings# or portions of #buildings# that exceed a height of 200 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 260 feet to a maximum #building# height of 360 feet. Such maximum #building# heights of 260 feet and 360 feet may be exceeded by a penthouse portion of a #building#, provided any #story# of a #building# within such penthouse portion does not exceed 85 percent of the gross area of the highest #story# of the same #building# entirely below a height of 260 feet or 360 feet, as applicable, and the maximum height of such penthouse portion does not exceed 40 feet.
- (c) Paragraphs (c)(3) (#Floor area# distribution) and (c)(5) (Additional setback provisions for high #buildings#) shall not apply.
- (d) Paragraph (c)(4) (Maximum #residential# tower size) shall not apply. In lieu thereof, each #residential

story# of a #building# located entirely above a height of 85 feet shall not exceed a gross area of 8,100 square feet in an R6 District and 11,000 square feet in an R8 District. **However, in R8 Districts, for #buildings# where at least 20 percent of the total #floor area# is comprised of #lower income housing# pursuant to Section 62-352, each #residential story# of such #building# located entirely above a height of 100 feet shall not exceed a gross area of 11,000 square feet.** If such #residential story# of a #building# is located partially in an R6 District and partially in an R8 District, it shall not exceed a gross area of 11,000 square feet and any portion located in an R6 district shall not exceed a gross area of 8,100 square feet.

- (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.
- (f) Paragraph (c)(7) (Ground floor streetscape provisions) shall not apply. In lieu thereof, all off-street parking spaces located within 50 feet of a #street#, a #visual corridor# containing a private road, and a #shore public walkway#, #upland connection# or #supplemental public access area# and which are located on a #story# that is above the #base plane# shall be within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #streets#, #visual corridors# or publicly accessible open spaces. Such floor space shall have a minimum depth of 25 feet. Up to 5 percent of such floor space may be used for mechanical equipment provided that no floor space used for mechanical equipment is located within 15 feet of the #street wall# of the #building# below a height of 15 feet above the #base plane#, and that no exhaust vents are located on the street wall of the #building# below a height of 15 feet above the #base plane#. The remainder of such floor space shall be used for #commercial#, #community facility# or #residential floor area#. Seventy percent of the surface area of the facade of a facility containing parking spaces which are not otherwise required to be behind such #floor area# shall be composed of the same materials as the facade of the #building# in which it is located.
- (g) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to 5 percent of such roof area may be used for mechanical equipment provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least 3 feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.
- (h) At least 70 percent of the width of the #streetwall# of a #building# or #buildings# fronting on a portion of a #street#, #upland connection# or #visual corridor# which is not adjacent to a #shore public walkway# or #supplemental public access area# shall be located within eight feet of such #street line# and extend to a minimum height of 30 feet.
- (i) All #developments#, conversions, and #enlargements# or #extensions# which increase the existing #floor area# by more than 10 percent, shall provide along the entire #street# length of the #zoning lot#, one tree for every 25 feet of #street# frontage. Such trees shall be of at least three-inch caliper at the time of planting and be placed at approximately equal intervals except where the Department of Parks and Recreation determines that such tree planting would be unfeasible. Such trees shall be planted in

accordance with the standards of the Department of Parks and Recreation.

* * *

62-50 SPECIAL PARKING AND LOADING REGULATIONS

* * *

62-57 Special Parking and Loading Regulations for Waterfront Access Plan BK-1

Within Waterfront Access Plan BK-1 the Special Parking and Loading Regulations of this section are further modified as follows:

- (a) The provisions of Section 62-511 and Section 62-521 shall not be applicable.
- (b) #Accessory# off-street parking spaces for #uses# permitted pursuant to Section 62-29 shall be provided in conformity with the regulations of Sections 36-21, 36-22 and 36-232 for C2-4 districts.
- (c) Any required #accessory# off-street parking spaces provided for #uses# located on a parcel identified in Waterfront Access Plan BK-1 may be located anywhere within such parcel.

* * *

62-60 DESIGN STANDARDS FOR THE WATERFRONT AREA

* * *

62-624 Maintenance and operation of waterfront public access areas

* * *

- (e) Alternate [plans for joint maintenance and operation]**provisions** in Waterfront Access Plan BK-1

For parcels identified in Waterfront Access Plan BK-1, **the following alternative provisions shall apply:**

- (1) The owners of two or more such parcels may, either for purposes of certification pursuant to Section 62-711 or at any time thereafter, submit an alternate plan to the Chair for the joint maintenance and operation of waterfront public access areas on such parcels , through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability, and any other matters set forth in paragraphs (b) and (c) of this Section, as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the waterfront public access areas. Such plan and

any instruments as are necessary for its implementation may be approved by the Chair and the Commissioner of Parks and Recreation upon a determination that:

[(1)](i) Implementation of the plan would enhance maintenance and operation of the waterfront public access areas consistent with the purposes of this Article; and

[(2)] (ii) Participation in the plan is available to owners of contiguous parcels identified in Waterfront Access Plan BK-1 on an equal basis.

(2) In lieu of the provisions of paragraphs (b)(2), (c) and (d) of this Section, the owner of such a parcel may, at its option, and prior to commencement of design and construction of waterfront public access areas, make a request directed to the Office of the Mayor (Request) to transfer to the City its fee simple absolute interest, free and clear of any encumbrances, in the #shore public walkway#, public access areas on #piers#, and #supplemental public access areas# on such parcel:

(i) The City may accept the transfer request, provided that transfer is made in accordance with guidelines established by the Chair of the City Planning Commission and the Commissioner of Parks and Recreation specifying minimum conditions for transfer including, without limitation, establishment by the owner of an account for the funding of ordinary maintenance of the waterfront public access area and a capital reserve for future repair, and adequate guarantees of access to the waterfront public access area through #upland connections#, and, provided further, that transfer is made pursuant to such instruments, which shall be a condition of certification pursuant to Section 62-711, paragraphs (b) and (c), as are necessary for implementation. Where the Request is for transfer of a phase of the waterfront public access area pursuant to a phased implementation of required public access areas certified by the Chairperson pursuant to Section 62-711, the City shall consider, in determining whether to accept such Request, such factors as the size, location, and access for purposes of maintenance, repair and reconstruction, of the phase which is the subject of the Request, and may require as a condition of acceptance that Owner make binding commitments to the transfer of subsequent phases;

(ii) The Department of Parks and Recreation shall review and approve the design and construction specifications for the waterfront public access areas proposed for transfer, and transfer of such areas shall be made prior to the issuance of any temporary or permanent certificate of occupancy for any part of the development for which such areas are required to be constructed, upon determination by the Department of Parks and Recreation that construction of such areas is complete, as required in paragraph (b)(1) of this Section, and is in accordance with the previously approved design and construction specifications;

(iii) Upon transfer, the owner, its successors, and assigns shall have no liability for judgments resulting from litigation of claims of personal injury on such areas and shall have no responsibility for repair or reconstruction of the waterfront access areas, provided that any such judgment, or destruction or damage of the waterfront access areas, is not the result of negligence by the owner, or of the owner's failure to construct such areas in accordance with the design and

construction specifications approved by the Department of Parks and Recreation.

In the event of a transfer under this subparagraph, the #bulk# and parking computations for the #zoning lot# shall include the transferred property. Such transfer shall not be deemed a #non-compliance#.

* * *

62-70

SPECIAL REVIEW PROVISIONS

* * *

62-711

Waterfront public access and visual corridors

* * *

(e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-416 (Special regulations for zoning lots that include parks).

For any parcel identified in Waterfront Access Plan BK-1, the Chairperson shall allow for the phased implementation of all required public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of public access area proportionate to the amount of #floor area# being #developed# in each phase. Additionally, for any #development# located within 240 feet of a #shoreline#, the initial phase and each subsequent phase shall provide a minimum of 200 linear feet of #shore public walkway# and any adjacent #supplemental public access area# located between such #development# and such #shore public walkway#; one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#; and at least one other connection from the #shore public walkway# to an adjacent #shore public walkway#, #street# or other #upland connection#. For any #development# located entirely beyond 240 feet of a #shoreline#, the initial phase and each subsequent phase shall also provide a minimum of 100 linear feet of #shore public walkway# and one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#. However, no public access area need be provided for a phase consisting of a #development # in which all #residences# in such phase are affordable #residences# for #lower income households# as defined in Section 23-93, or #moderate income households# [or #middle income households#] as defined in Section 62-352, provided that such exemption shall only apply where 25 percent or less of the total #residential floor area#, including any applicable #floor area bonuses#, on the parcel have been #developed#.

A certificate pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-14 (Requirements for Recordation).

* * *

62-80

WATERFRONT ACCESS PLANS

* * *

62-812

Elements of a Waterfront Access Plan

A Waterfront Access Plan may:

- (a) on #zoning lots# where public access or #visual corridors# are required pursuant to the provisions of Sections 62-40 and 62-60, modify the size, configuration, location or design of
- (b) required waterfront public access areas or #visual corridors# within certain designated areas in order to address local conditions, provided such plan does not impose a public access or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections 62-40 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a zoning lot may be applied regardless of any specific #use# permitted or proposed for such #zoning lot#. Within Waterfront Access Plan BK-1, the public access and #visual corridor# requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the public access and #visual corridor# requirements of each zoning lot within the parcel and such aggregated requirements may be modified within such parcel without regard to #zoning lot lines#;

* * *

62-83

Borough of Brooklyn

The following Waterfront Access Plans are hereby established within the Borough of Brooklyn. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BK-1: Greenpoint/ Williamsburg, as set forth in Section 62-831.

* * *

62-831

Waterfront Access Plan BK-1: Greenpoint-Williamsburg

Maps BK-1a through BK-1c in paragraph (g) of this Section show the boundaries of the area comprising the Greenpoint-Williamsburg Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on (date of adoption), as follows:

<u>Parcel 1:</u>	<u>Block 2472, Lot 350</u>
<u>Parcel 2:</u>	<u>Block 2472, Lot 400</u>
<u>Parcel 3:</u>	<u>Block 2472, Lot 410</u>
<u>Parcel 4:</u>	<u>Block 2472, Lot 425</u>

<u>Parcel 5a:</u>	<u>Block 2472, Lot 100</u>
<u>Parcel 5b:</u>	<u>Block 2472, Lot 32 and Block 2494, Lot 6</u>
<u>Parcel 5c:</u>	<u>Block 2472 Lot 2, Block 2494 Lot 1, Block 2502 Lot 1,</u> <u>Block 2510 Lot 1 and Block 2520 Lot 57</u>
<u>Parcel 6:</u>	<u>Block 2472, Lot 75</u>
<u>Parcel 7:</u>	<u>Block 2520, Lot 1</u>
<u>Parcel 8:</u>	<u>Block 2530, Lots 55 and 56</u>
<u>Parcel 9:</u>	<u>Block 2530, Lots 1</u>
<u>Parcel 10:</u>	<u>Block 2538, Lot 1</u>
<u>Parcel 11:</u>	<u>Block 2543, Lot 1</u>
<u>Parcel 12:</u>	<u>Block 2556, Lots 41</u>
<u>Parcel 13:</u>	<u>Block 2556 Lot 1, Block 2564 Lot 1, Block 2567 Lot 1 and Block 2570 Lot 36</u>
<u>Parcel 14:</u>	<u>Block 2570, Lot 1</u>
<u>Parcel 15:</u>	<u>Block 2590, Lot 1</u>
<u>Parcel 16:</u>	<u>Block 2590, Lot 210</u>
<u>Parcel 17:</u>	<u>Block 2590, Lot 215</u>
<u>Parcel 18:</u>	<u>Block 2590, Lot 22</u>
<u>Parcel 19:</u>	<u>Block 2590, Lot 25</u>
<u>Parcel 20:</u>	<u>Block 2590, Lot 100 and Block 2277, Lot 1</u>
<u>Parcel 21:</u>	<u>Block 2287, Lot 1,16 and 30 and Block 2294 Lots 1 and 5</u>
<u>Parcel 22:</u>	<u>Block 2301, Lots 1, 50, 60 & 70</u>
<u>Parcel 23:</u>	<u>Block 2316, Lot 46</u>
<u>Parcel 24:</u>	<u>Block 2308, Lot 1 and Block 2316, Lot 1</u>
<u>Parcel 25:</u>	<u>Block 2324, Lot 1 & Block 2332, Lot 1</u>
<u>Parcel 26:</u>	<u>Block 2340, Lot 1</u>
<u>Parcel 27:</u>	<u>Block 2348, Lot 1</u>

(a) Area wide modifications:

The following provisions shall apply to all #developments# required to provide public access, pursuant to Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS):

- (1) Paragraph (c) of Section 62-412 (Requirements for public access on piers) is applicable, except that a minimum of 15 feet are required along each water edge.
- (2) The provisions of Section 62-61 (Design Options and Methodology) shall be inapplicable. In lieu thereof, the following provisions shall apply:
 - (i) All required public access areas and #visual corridors# shall comply with the general requirements set forth in Section 62-62 (General Requirements for Public Access Areas) and the specific requirements as set forth in this Section.
 - (ii) #Upland connections#, #visual corridors#, public access areas on #piers# and public access areas in conjunction with #floating structures# shall comply with the design requirements set forth in Sections 62-64 through 62-66, inclusive.
 - (iii) Public access areas are subject to the design reference standards set forth in Section 62-67 and paragraph (d) of this Section.

(3) The provisions of Section 62-623 (Supplemental public access areas) shall be inapplicable. In lieu thereof, the following provisions shall apply:

- (i) A required #supplemental public access area# shall be directly connected to either a #pier# public access area, an #upland connection# or a #shore public walkway# on either its landward or seaward side and its pedestrian circulation zone shall be contiguous with the adjacent pedestrian circulation zone.
- (ii) A buffer zone shall only be required where a #supplemental public access area# adjoins a non-publicly accessible portion of a #zoning lot#, in which case its minimum width shall be 15 feet.

(4) #Street# Treatment

All #streets# adjacent to a #shore public walkway# or #supplemental public access area# shall be improved as a continuation of such #shore public walkway# or #supplemental public access area#, pursuant to the design requirements of paragraph (b) of this Section, inclusive.

(b) Specific design requirements for Public Access Prototypes

The provisions of Section 62-63 (Specific Design Requirements for Public Access Prototypes) shall be inapplicable. In lieu thereof the following provisions for #shore public walkways# and #supplemental public access areas# shall apply:

(1) Greenpoint-Williamsburg Shore Public Walkway-Prototype I

- (i) One circulation path with a minimum clear width of 12 feet is required. The path must be within ten feet of the seaward edge of the #shore public walkway#, except when rip rap, beach or other shoreline materials are provided in a publicly accessible area seaward of the path.
- (ii) A minimum of one linear foot of seating shall be provided for every 100 square feet of #shore public walkway#. At least 60 percent of the required seating shall be landward of the required circulation path.
- (iii) A minimum of 50 percent of the pedestrian circulation zone, excluding the required circulation path, shall be planting area. Rip rap, beach or other shoreline materials may be counted as an equivalent to planting area.
- (iv) One shade tree is required for every 1,200 square feet of #shore public walkway# and one small or ornamental tree shall be required for every 750 square feet of #shore public walkway#. Trees may be located either in the pedestrian circulation zone landward of the required circulation path or in the buffer zone. Fifty percent of required shade trees shall be located within 10 feet of the required clear path.

(2) Greenpoint-Williamsburg Shore Public Walkway-Prototype II

- (i) The provisions of 62-621 (Shore public walkways) shall apply except that a #shore

public walkway# shall have a minimum 30 foot pedestrian circulation zone and a minimum 15 foot buffer zone.

- (ii) One circulation path with a minimum clear width of 12 feet is required. The path must be within ten feet of the seaward edge of the #shore public walkway#, except when rip rap, beach or other shoreline materials are provided in a publicly accessible area seaward of the path, in which case, the path shall be located within 20 feet of the shoreline. A secondary circulation path may be provided, with a minimum width of 10 feet. Connecting paths having a minimum width of ten feet shall be provided between the two circulation paths at intervals not to exceed 100 feet.
- (iii) A minimum of one linear foot of seating shall be provided for every 70 square feet of #shore public walkway#.
- (iv) A minimum of 70 percent of the pedestrian circulation zone, excluding the required circulation path shall be planting area. A minimum of 50 percent of this planting area must be improved as lawn according to the provisions of Section 62-675 (Planting and trees).
- (v) One shade tree is required for every 1,900 square feet of #shore public walkway# and shall be located in the pedestrian circulation zone. In addition, one shade, small or ornamental tree shall be required for every 850 square feet of #shore public walkway# and may be located either in the pedestrian circulation zone or in the buffer zone. Fifty percent of required shade trees shall be located within 10 feet of the required clear path.
- (3) Greenpoint-Williamsburg Supplemental Public Access - Waterfront Plaza
 - (i) The entire #supplemental public access area# shall be a pedestrian circulation zone, except for any buffer zone required by paragraph (a)(3)(ii) of this Section.
 - (ii) There shall be at least one circulation path throughout the #supplemental public access area#. Such path shall provide access to the primary entrance of any building or #use# that is within or adjacent to the #supplemental public access area#.

The required circulation path shall have a minimum clear width of ten feet and any other circulation path shall have a minimum clear width of six feet.

Within a transition zone, the minimum aggregate width of clear path along any side of the #supplemental public access area# shall be equal to 50 percent of the length of the intersection between the two public access areas, and any single path providing access between waterfront public access areas shall have a minimum width of 10 feet.

- (iii) A minimum of one linear foot of seating shall be provided for every 40 square feet of pedestrian circulation zone. Fifty percent of required seating shall be under shade throughout the day.
- (iv) A minimum of 25 percent of the pedestrian circulation zone shall be planting area.

(v) Four trees shall be required for the first 2,500 square feet of #supplemental public access area#, at least two of which shall be shade trees. For each additional 750 square feet, one additional shade, ornamental or small tree shall be required. Small or ornamental trees located within the pedestrian circulation zone shall not be counted toward the minimum requirements.

(4) Greenpoint-Williamsburg Supplemental Public Access - Waterfront Park

(i) The entire #supplemental public access area# shall be a pedestrian circulation zone, except for any buffer zone required by paragraph (a)(3)(ii) of this Section.

(ii) There shall be at least one circulation path throughout the #supplemental public access area#. Such path shall provide access to the primary entrance of any building or #use# that is within or adjacent to the #supplemental public access area#.

The required circulation path shall have a minimum clear width of ten feet and any other circulation path shall have a minimum clear width of six feet.

Within a transition zone, the minimum aggregate width of clear path along any side of the #supplemental public access area# shall be equal to 50 percent of the length of the intersection between the two public access areas, and any single path providing access between waterfront public access areas shall have a minimum width of 10 feet.

(iii) A minimum of one linear foot of seating shall be provided for every 50 square feet of pedestrian circulation zone. Fifty percent of required seating shall be under shade throughout the day.

(iv) A minimum of 60 percent of the pedestrian circulation zone shall be planting area with no more than 30 percent of the planting area in raised planting beds. At least 35 percent of the #supplemental public access area# shall be lawn in compliance with the standards set forth in paragraph (c)(5) of Section 62-675 (Planting and trees).

(v) Four trees shall be required for the first 2,500 square feet of #supplemental public access area#, at least two of which shall be shade trees. For each additional 750 square feet, one additional shade, ornamental or small tree shall be required. Small or ornamental trees located within the pedestrian circulation zone shall not be counted toward the minimum requirements.

(c) Amenities

In parcels where #supplemental public access area# is required, no more than fifteen percent of public access area may be reduced if playgrounds and other amenities are provided in accordance with the following provisions.

(1) Playgrounds

A playground shall have a minimum size of 1,000 square feet and, if applicable, there shall be a minimum of 400 feet between any two playground areas. For every five square feet of playground area provided, the total amount of required public access may be reduced by the rate

of one square foot.

(2) Other amenities

A reduction in the total amount of required public access area shall be permitted according to the following table.

<u>Amenity</u>	<u>Square feet reduction</u>
<u>Picnic table</u>	<u>22 sq. ft. per table, to a max. of 200 sq. ft.</u>
<u>Chess table</u>	<u>20 sq. ft. per table, to a max. of 200 sq. ft.</u>
<u>Telescope</u>	<u>10 sq. ft. per telescope, to a max. of 50 sq. ft.</u>
<u>Fountain/water feature</u>	<u>150 sq. ft. per feature, to a max. of 300 sq. ft.</u>
<u>Shade structure</u>	<u>150 sq. ft. per structure, to a max. of 300 sq. ft.</u>

(d) Public access design reference standard

Section 62-67 is hereby modified by the following provisions.

(1) Guardrails

The provisions of paragraph (a) Section 62-671 (Guardrails, gates and other protective barriers) shall be inapplicable. In lieu thereof the following provisions for guardrails shall apply:

- (i) Guardrails shall be located within waterfront public access areas continuously along any bulkhead, stabilized shore or the water edges of a #pier# or #platform# that is located within 50 feet of a circulation path; and continuously along any grade level change of 30 inches or greater adjoining or within 10 feet of a circulation path. However, guardrails shall not be required landward of any rip rap, beach or any other shoreline material that is at least 10 feet wide. If any protective barrier is provided adjacent to any rip rap, beach or other shoreline material, they shall not exceed a height of 21 inches or shall consist of a bollard and chain device.

Guardrails shall not be required at access points to WD #uses# and #development# on #floating structures#. The minimal protective barrier at such locations shall be a swing gate, bollard and chain or similar device.

- (ii) Guardrails shall comply with illustration A1; alternatively, illustration A2 may be used in #piers#.

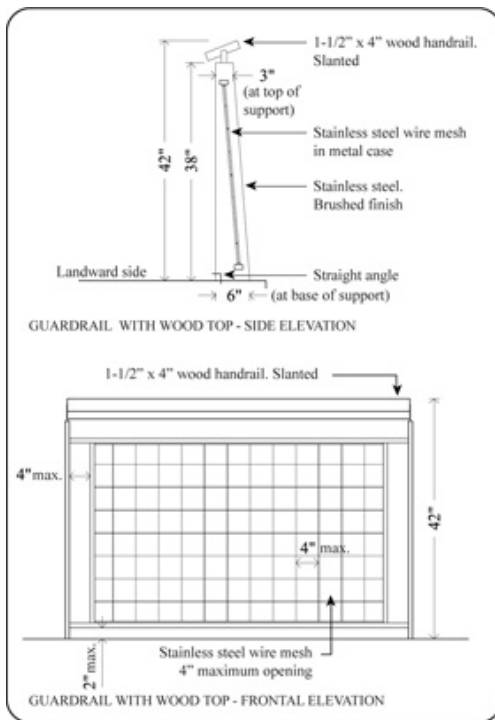


Illustration A1

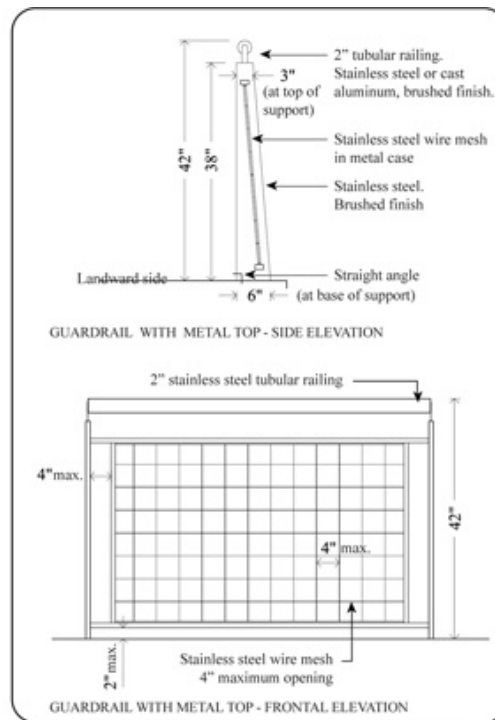


Illustration A2

All guardrail components and hardware shall be in stainless steel or cast aluminum, as applicable.

(2) Seating

In addition to the provisions of Section 62-672, at least fifty percent of the required seating along any #shore public walkway# or #supplemental public access area# shall comply with illustration B1 or B2 below.

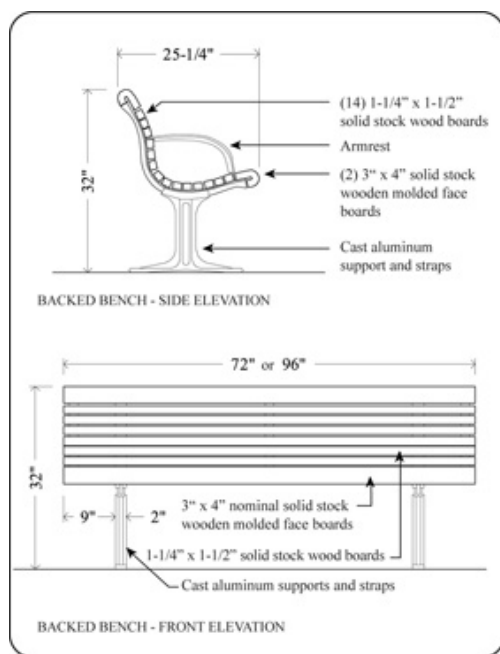


Illustration B1

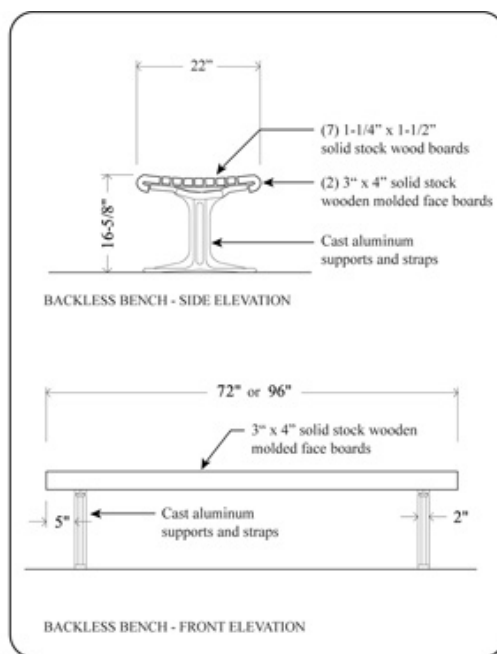


Illustration B2

All wood boards shall be made of Redwood, Jarrah or Ipe, have eased edges and ends and be treated for external use without stain or varnish.

All supports and backstraps shall be 713 tenzallooy cast aluminum, with a rust inhibitor and a top coat finish of thermosetting polyester powdercoat that is ultra-violet, chip and flake resistant. Metal components shall have a light gray or aluminum color.

(3) Lighting

In addition to the provisions of Section 62-673, the required lighting along any public access area shall comply with illustration C1 below.

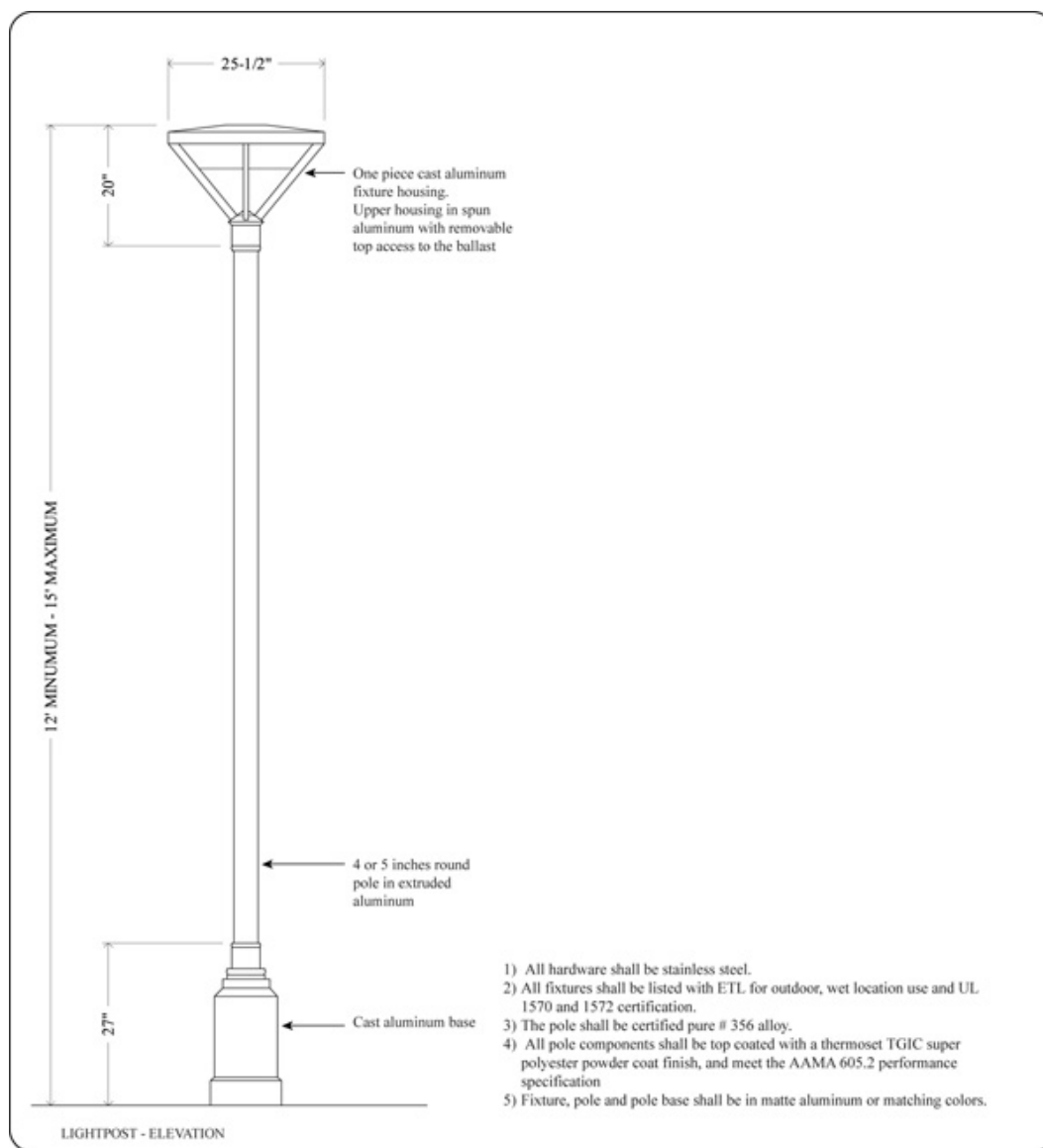


Illustration C1

(4) Planting and trees

The provisions of paragraph (c)(6) (Container planting) of Section 62-675 shall be inapplicable, unless a structural or environmental necessity is demonstrated at the time of certification.

(5) Paving

In addition to the provisions of Section 62-676, the paving for the required clear path within the #shore public walkway# shall be gray. At least fifty percent of all other paved areas within the #shore public walkway# and #supplemental public access areas# shall be paved in the same color range.

(e) Special public access provisions by parcel

The provisions of Sections 62-41 (Requirements for waterfront public access) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) are modified at the following designated locations which are shown on Map BK-1b in paragraph (g) of this Section:

(1) Parcels 1 and 2

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply to all new #development#.

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge and the existing #building or other structure# but need not be wider than 40 feet. The #shore public walkway# shall have a minimum clear path of 10 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-672 and 62-675. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for #supplemental public access area# shall be waived.

(2) Parcels 3 and 4

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within a flexible location along the #lot line# between Parcels 3 and 4. Whichever parcel is developed first shall provide an #upland connection# along the #lot line# between the two parcels. The width of the #upland connection# may be utilized by the developer of the remaining parcel in the computation necessary to comply with the requirements of a #visual corridor# along the #lot line# between the two parcels, according to the provisions of paragraph (f)(1) of this Section. If both parcels are developed concurrently, then the requirements may be divided equally along the #lot line# between the parcels.

(3) Parcel 5a

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within the flexible location zone indicated on Map BK-1b in paragraph (g) of this Section.

The eastern boundary of such flexible location zone shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot lines of Parcels 5b and 6.

(iii) #Supplemental public access area#

The #supplemental public access area# shall 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#. The #upland connection#, however, may cut across the #supplemental public access area# provided that no area shall be less than 5,000 square feet. All #supplemental public access areas# shall have a minimum width to depth ratio of 1.0 to 1.0 and a maximum width to depth ratio of 2.0 to 1.0. In no event shall the #supplemental public access area# be deeper than 100 feet. The requirements for Waterfront Plaza described in paragraph (b)(3) of this Section shall apply.

Alternatively, a portion of the required #supplemental public access area# that is a minimum of 5,000 square feet may abut the #shore public walkway# continuously along the longest side provided that it also abuts a publicly accessible private drive connecting the #shore public walkway# to Commercial Street. Such publicly accessible private drive shall be improved to the standards of an #upland connection# as required by Section 62-641, but shall not be counted towards satisfying the required amount of public access area on the site. The requirements for Waterfront Park described in paragraph (b)(4) of this Section shall apply.

(4) Parcel 5b

#Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(5) Parcel 5c

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

Two #upland connections# shall be provided between West Street and the #shore public walkway#, one each located within the prolongation of the #street lines# of Eagle Street, and Green Street, respectively.

(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 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 described in paragraph (b)(3) of this Section shall apply, except that trees may be substituted by a shading element at a rate of 450 sq. ft. of shade element per tree.

(iv) #Pier# public access

Public access shall be provided on the Green Street #pier# pursuant to the requirements of Section 62-412 and of paragraph (a)(1) of this Section.

[(6) Parcel 5

In the event that Parcels 5a, 5b and 5c are merged into one parcel, they shall be known as Parcel 5 and be subject to the following requirements:

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

One #upland connection# shall be provided between Commercial Street and the #shore public walkway# within the flexible location zone indicated on Map BK-1b in paragraph (g) of this Section. The eastern boundary of such flexible location zone shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot line of Parcel 6.

Two #upland connections# shall be provided between West Street and the #shore public walkway#, each located within the prolongation of the #street lines# of Eagle Street and Green Street, respectively.

(iii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided.

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 5 and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7. The requirements for Waterfront Plaza described in paragraph (b)(3) of this Section shall apply.

The remaining of the required #supplemental public access area# shall be located within the area bounded by the western prolongation of the north #street line# of Dupont Street, the #shore public walkway#, the northern prolongation of the eastern boundary of Parcel 6 and Parcel 6 . The requirements for Waterfront Park described in paragraph (b)(4) of this Section shall apply.

(iv) #Pier# public access

Public access shall be provided on the Green Street #pier# pursuant to the requirements of Section 62-412 and of paragraph (a)(1) of this Section.]

[(7)](6) Parcel 7

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply, except that any portion of the required #shore public walkway# where the distance between the shoreline and the boundaries of Parcel 7 is less than 17 feet shall be improved entirely as clear path.

(ii) #Supplemental public access area#

The requirement for a #supplemental public access area# on Parcel 7 is waived.

[(8)](7) Parcels 9, 10 and 11

(i) #Shore public walkway#

The requirements for Prototype II described in paragraph (b)(2) of this Section shall apply.

(ii) #Supplemental public access area#

For each parcel, the #supplemental public access area# requirements shall be provided to widen the pedestrian circulation zone of the #shore public walkway#, evenly distributed along the entire length of such #shore public walkway#.

[(9)](8) Parcel 13

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of Milton Street.

(iii) #Supplemental public access area#

A #supplemental public access area# shall be bounded by the southern #street line# of Greenpoint Avenue, the #shore public walkway# and the northern boundary of the required Milton Street #upland connection#. The requirements for Waterfront Park described in paragraph (b)(4) of this Section shall apply.

[(10)](9) Parcel 14

(i) #Shore public walkway#

The area between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# shall be improved pursuant to the requirements of Prototype II described in paragraph (b) (2) of this Section. The remaining required #shore public walkway# shall be improved pursuant to the requirements of Prototype I as described in paragraph (b)(1) of this Section.

(ii) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway#. The southern boundary of such #upland connection# shall be defined by a line between the intersection of the prolongation of the southern #street line# of Calyer Street and the western #street line# of West Street, and a point on the easterly boundary of the #shore public walkway# 30 feet north of the northern #street line# of Quay Street

(iii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided. A #supplemental public access area# with a minimum of 9,000 square feet shall be provided between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# to widen the pedestrian circulation zone of the #shore public walkway#.

The remaining requirements for #supplemental public access area# shall be located in the area bounded by the southern boundary of the required Calyer Street #upland connection#, the #shore public walkway# and the southern boundary line of the parcel. The requirements for Waterfront Park described in paragraph (b)(4) of this Section shall apply.

[(11)](10) Parcel 15

An #upland connection# shall be provided within the prolongation of the #street lines# of West Street, connecting Quay Street to Parcel 20.

[(12)](11) Parcels 19, 20, 21 and 22

Parcels 19, 20, 21 and 22 shall be designated as public parks as of (date of adoption).

[(13)](12) Parcel 24

#Shore public walkway#

Prototype I described in paragraph (b)(1) of this Section shall apply.

[(14)](13) Parcel 25

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of North 6th Street.

(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. 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 to 1. The requirements for 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 trees may be substituted by a shading element at a rate of 450 sq. ft. of shade element per tree.

(iv) #Pier# public access

Public access shall be provided on a #pier# located at the western terminus of North 6th Street pursuant to the requirements of Section 62-412 and of paragraph (a)(1) of this Section.

[(15)](14) Parcel 26

(i) #Shore public walkway#

The requirements of Section 62-411 (Requirements for shore public walkways) shall apply, except that the minimum required width of the #shore public walkway# shall be reduced to 34 feet between North 5th Street and the northern boundary of the required #upland connection# at the prolongation of North 4th Street. The quantity of public access eliminated from the #shore public walkway# as a result of this width reduction shall be located in the triangle formed between the #shore public walkway#, the southern #street line# of the North 4th Street #upland connection# and the bulkhead line. The entirety of the #shore public walkway# shall be improved pursuant to the requirements for Prototype I described in paragraph (b)(1) of this Section.

(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.

[(16)](15) Parcel 27

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply to all new #development#.

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge and the existing #building or other structure#, but shall not need to be wider than 40 feet.

Notwithstanding the requirements of Paragraph (c) of Section 62-62 (General Requirements for Public Access), the #shore public walkway# may be located within the #building or other structure#, and the obstructions permitted by Section 62-626, paragraph (a), shall include any supporting structural elements of the #building or other structure# and its related appurtenances. Additionally, the #shore public walkway# shall have a minimum clear path of 12 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-672 and 62-675. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for #supplemental public access# shall be waived.

(f) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan are shown on Map BK-1c in paragraph (g) of this Section and shall be as follows:

(1) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 and 4 to the pierhead line within a flexible area along the #lot lines# between them.

Whichever parcel develops second shall complete the required clearance to comply with the #visual corridor# requirements along the #upland connection# already provided in accordance with the requirements of paragraph (e)(2)(ii) of this Section. If both parcels are developed concurrently, then the requirements can be divided equally along the #lot line# between the parcels.

(2) Parcel 5a

A #visual corridor# shall be provided through Parcel 5a to the pierhead line within the flexible location zone indicated on Map BK-1c in paragraph (g) of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot line of Parcels 5b and 6.

(3) Parcel 5b

Two #visual corridors# shall be provided through Parcel 5b to the pierhead line as the prolongation of the #street lines# of West Street and Dupont Street, respectively.

(4) Parcel 5c

(i) Three #visual corridors# shall be provided through Parcel 5c to the pierhead line as the prolongation of the #street lines# of West Street, Eagle Street and Green Street.

(ii) Permitted obstructions on #piers#, per Section 62-65 paragraph (b), shall be permitted obstructions along the #visual corridor# along Green Street.

[(5) Parcel 5

In the event that Parcels 5a, 5b and 5c are merged into one parcel, they shall be known as Parcel 5, subject to the following #visual corridors# requirements:

(i) One #visual corridor# shall be provided through Parcel 5 to the pierhead

line within the flexible location zone indicated on Map BK-1c in paragraph (g) of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot line of Parcel 6.

Four #visual corridors# shall be provided through Parcel 5 to the pierhead line, each located as the prolongation of the #street lines# of West Street, Dupont Street, Eagle Street and Green Street, respectively.

- (ii) Permitted obstructions on #piers#, per Section 62-65 paragraph (b), shall be allowed along the #visual corridor# along Green Street.]

[(6)](5) Parcel 13

Two #visual corridors# shall be provided through Parcel 13 to the pierhead line as the prolongation of the #street lines# of Milton Street and Oak Street, respectively.

[(7)](6) Parcel 14

A #visual corridor# shall be provided through Parcel 14 as the prolongation of the #street lines# of Oak Street.

[(8)](7) Parcel 15

A #visual corridor# shall be provided though Parcel 15 as the prolongation of the #stret lines# of West Street.

[(9)](8) Parcel 25

A #visual corridor# shall be provided through Parcel 25 as the prolongation of the #street lines# of North 6th Street.

- (g) Greenpoint-Williamsburg Waterfront Access Plan Maps

MAP B-1a: PARCEL DESIGNATION



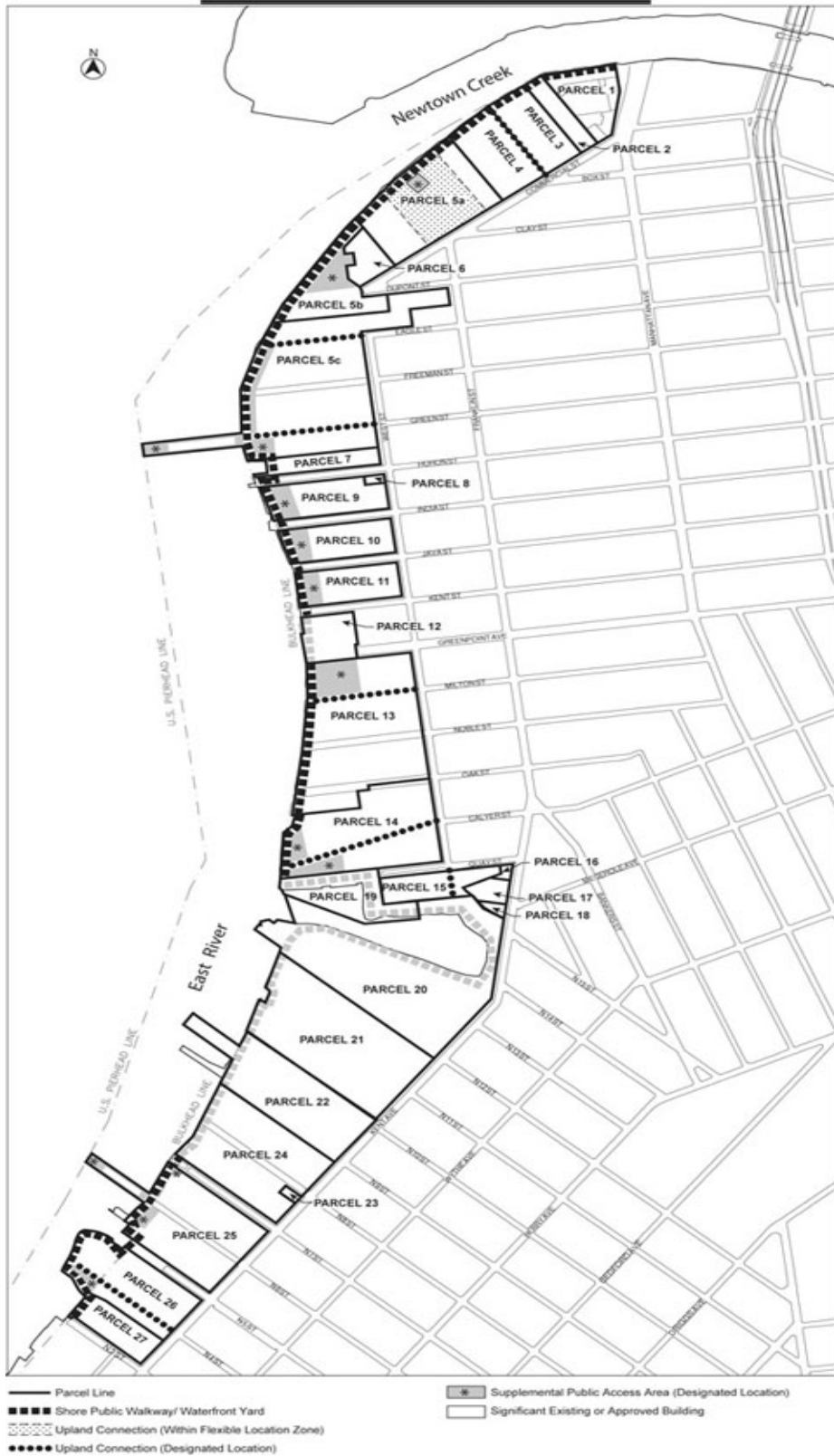
[MAP B-1b: PUBLIC ACCESS ELEMENTS]

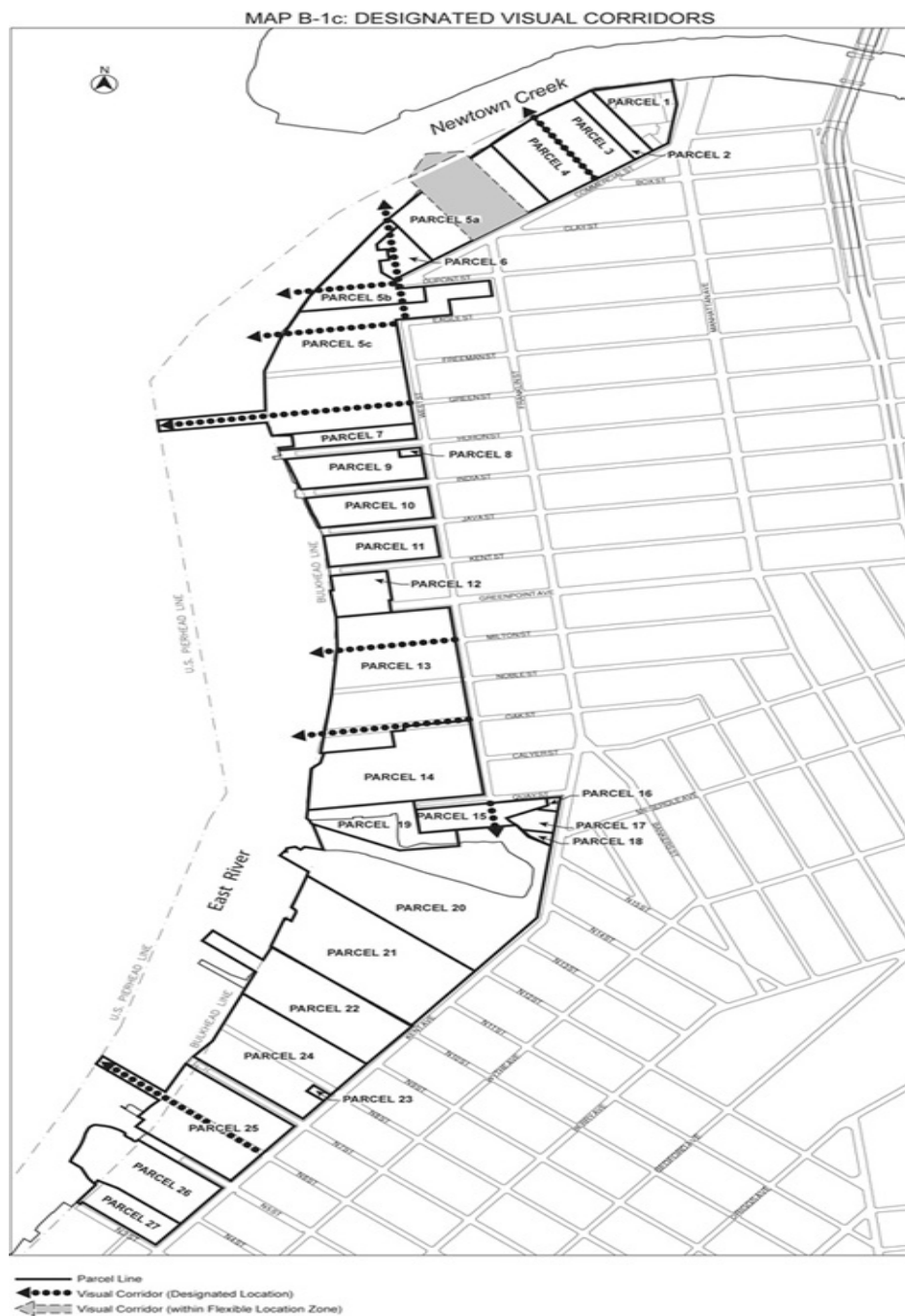


MAP B-1a: PARCEL DESIGNATION



MAP B-1b: PUBLIC ACCESS ELEMENTS





* * *

ARTICLE IX: SPECIAL PURPOSE DISTRICTS

Chapter 7 Special Northside Mixed Use District

(delete entire chapter)

* * *

ARTICLE X: SPECIAL PURPOSE DISTRICTS

Chapter 8

Special Franklin Street Mixed Use District

(delete entire chapter)

* * *

ARTICLE XII: SPECIAL PURPOSE DISTRICTS

Chapter 3

Special Mixed Use District

* * *

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 District 1, 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, Roebbling 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.

* * *

**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

* * *

#Special Mixed Use District# - 8

Greenpoint-Williamsburg, Brooklyn

The #Special Mixed Use District# - 8 is established in Greenpoint-Williamsburg in Brooklyn as indicated on the #zoning maps#.

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 May 11, 2005, on file in this Office.

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