



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 246

Resolution approving the decision of the City Planning Commission on Application No. N 140131 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Section 62-352 (Inclusionary Housing) and Section 74-745 (Location of accessory parking spaces and loading births) relating to the inclusionary housing program and loading requirements within large scale general developments in the Community District 1, Borough of Brooklyn (L.U. No. 32).

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on March 10, 2014 its decision dated March 5, 2014 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Two Trees Management LLC, Inc., for an amendment of the text of the Zoning Resolution of the City of New York, concerning Section 62-352 (Inclusionary Housing) and Section 74-745 (Location of accessory parking spaces and loading births) relating to the inclusionary housing program and loading requirements within large-scale general developments in Brooklyn Community District 1, this action along with the other related actions would modify the inclusionary housing program and create a new special permit to waive loading requirements to facilitate a 2.95 million-square-foot large-scale general development located at 264-350 and 317-329 Kent Avenue (Application No. N 140131 ZRK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Applications C 140132 ZSK (L.U. No. 28), a special permit pursuant to ZR Section 74-743 to transfer floor area between zoning lots and modify height and setback, minimum distance, floorplate, lot coverage, and yard regulations; C 140133 ZSK (L.U. No. 29), a special permit pursuant to ZR Section 74-744(a) to use regulations as part of a general large-scale development; C 140134 ZSK (L.U. No. 30), a special permit pursuant to ZR Section 74-745(a) to modify parking location regulations as part of a general large-scale development; C 140135 ZSK (L.U. No. 31), a special permit pursuant to ZR Section 74-745(b) (proposed) to modify loading regulations as part of a general large-scale development; and N 140136 ZAK (L.U. No. 33), an authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas;

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 1, 2014;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") (CEQR No. 07DCP094K), for which a Notice of Completion was issued on May 28, 2010, as adjusted by the subsequent CEQR Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013 and March 5, 2014 (the "Technical Memoranda");

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS and Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to the CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014**, those mitigation measures that were identified as practicable.
- (4) The Decision together with the FEIS and the Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140131 ZRK, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

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

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

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

62-352

Inclusionary Housing

* * *

- (3) For #zoning lots# containing #residences# in R8 or C6-2 Districts within a #large-scale general development# that is located in or partially within a C6 District, the #floor area# of a #zoning lot# may

not exceed the base #floor area ratio# of 4.88, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.833 square feet for each square foot of #moderate income floor area# provided, up to a maximum #floor area ratio# of 6.5, provided that for each square foot of #floor area compensation# for #moderate income floor area#, there is one square foot of #floor area compensation# for #low income floor area#.

However, to receive such #floor area# increase, the amount of #low income floor area# plus two-thirds of the amount of #moderate income floor area# need not exceed 20 percent of the total #floor area# on all #zoning lots# in R8 or C6-2 districts within the #large-scale general development#, exclusive of ground-floor non-#residential floor area#, #floor area# within a #school#, and #floor area# within a non-#residential building# that is vacant above the ground floor.

For the purposes of the calculations in this paragraph (3), inclusive, an amount of #moderate income floor area# not exceeding 50,000 square feet may be considered #low income floor area#.

For the purposes of this paragraph, (b), inclusive, #low income floor area# may be considered #moderate income floor area#, and ~~#moderate income floor area# may be considered #middle income floor area#.~~

* * *

74-745

~~Location of a~~ Accessory parking spaces and loading berths

For a #large-scale general development# the City Planning Commission may permit:

(a) Modification of location requirements

When a #large-scale general development# includes two or more #zoning lots#, the City Planning Commission may permit required or permitted #accessory# off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a #large-scale general development# without regard for #zoning lot lines#, provided that the Commission shall find:

- ~~(a)~~(1) such off-street parking spaces, bicycle parking spaces and loading berths will be conveniently located in relation to the #use# to which such spaces or berths are #accessory#;
- ~~(b)~~(2) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better site plan; and
- ~~(c)~~(3) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single #block#, draw excessive traffic through local #streets#, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to

be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# shall be kept available for such #building# throughout its life.

(b) Waiver or reduction of loading berth requirements

When a #zoning lot# in a #large scale general development#, that is located within a waterfront area pursuant to Section 62-132(b), in Community District 1 in Brooklyn, contains one or more #retail or service uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B, 14A or 16A, and where no single such establishment exceeds 8,500 square feet in #floor area#, the City Planning Commission may waive the requirement for loading berths, or reduce the number of required loading berths, provided that:

- (1) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#;
- (2) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment;
- (3) such modification allows for a better relationship of the #street walls# of the #building# containing such establishment with the sidewalks and surrounding area; and
- (4) such modification will not impair or adversely affect the development of the surrounding area.

The City Planning Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.

* * *

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 14, 2014, on file in this office.

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City Clerk, Clerk of The Council