



## Legislation Text

File #: Res 0713-2018, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 713

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180345 ZRK (L.U. No. 281), for an amendment of the Zoning Resolution of the City of New York, amending Article XII, Chapter 3 (Special Mixed Use District) for the purpose of expanding an existing Mixed Use District, Borough of Brooklyn, Community District 2.**

**By Council Members Salamanca and Moya**

WHEREAS, the City Planning Commission filed with the Council on November 16, 2018 its decision dated November 14, 2018 (the "Decision"), pursuant to Section 200 of the New York City Charter, regarding an application submitted by Peter Forman, for an amendment of the text of the Zoning Resolution of the City of New York, amending Article XII, Chapter 3 (Special Mixed Use District) for the purpose of expanding an existing Mixed Use District, (Application No. N 180345 ZRK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application C 180344 ZMK (L.U. No. 280), a zoning map amendment to change an M1-4/R8A zoning district to an M1-6/R8X district;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter and Rule 11.20(c) of the Rules of the Council;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 29, 2018;

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, including the negative declaration issued June 25, 2018 (CEQR No. 18DCP150K), which includes an (E) designation related to air quality will be assigned to sites within the rezoning area Block 20, Lot 1 to avoid potential significant adverse impacts related to hazardous materials and air quality (E-487), (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-487) and Negative Declaration.

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based

on the environmental determination and consideration described in the report, N 180345 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

## Article XII - Special Purpose Districts

### Chapter 3

#### Special Mixed Use District

\* \* \*

#### 123-63

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

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections 23-153 (For Quality Housing buildings) or 23-155 (Affordable independent residences for seniors), as applicable.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

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

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

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

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### 123-66 Height and Setback Regulations

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

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

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

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

\* \* \*

### 123-662 All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

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

#buildings or other structures# shall comply with the height and setback regulations of this Section.  
\* \* \*

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section 23-662 shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section 23-662, the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non- #residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section 26-52 (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section 23-663. In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section 23-664 shall apply. Separate maximum #building# heights are set forth within Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#. In R8X districts in Special Mixed-Use District MX-2, the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the maximum #building# height and setback regulations applicable to an R8A district. For purposes of this provision, “predominantly” shall mean at least 75 percent of the #floor area# of a #building#.

\* \* \*

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 December 20, 2018, on file in this office.

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City Clerk, Clerk of The Council