



Legislation Details (With Text)

File #: Res 1939-2013 **Version:** * **Name:** LU 882 - Zoning, Amendment to the Zoning Resolution, Brooklyn (N 130212 ZRK)

Type: Resolution **Status:** Adopted

In control: Committee on Land Use

On agenda: 9/24/2013

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Title: Resolution approving the decision of the City Planning Commission on Application No. N 130212 ZRK, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts) in Portions of Community Districts 8 and 9, and concerning Appendix F (Inclusionary Housing Designated Areas) in Community District 8 in the Borough of Brooklyn (L.U. No. 882).

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 9-24-13

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-----------------------|--------|
| 9/18/2013 | * | Committee on Land Use | Approved by Committee | |
| 9/24/2013 | * | City Council | Approved, by Council | Pass |

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1939

Resolution approving the decision of the City Planning Commission on Application No. N 130212 ZRK, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts) in Portions of Community Districts 8 and 9, and concerning Appendix F (Inclusionary Housing Designated Areas) in Community District 8 in the Borough of Brooklyn (L.U. No. 882).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 9, 2013 its decision dated August 7, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, to modify Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts) in Portions of Community Districts 8 and 9, and concerning Appendix F (Inclusionary Housing Designated Areas) in Community District 8 in the Borough of Brooklyn (Application No. N 130212 ZRK), Community Districts 8 and 9, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Application C 130213 ZMK (L.U. No. 883), a zoning map amendment for an approximately 55-block area in Brooklyn Community District 8 to establish contextual zoning district and establish new Inclusionary Housing Areas to incentivize the development of affordable housing;

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 September 16, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 13DCP105K) issued March 18, 2013 (the “Negative Declaration”), which includes an (E) designation on selected sites to preclude potential noise and hazardous materials impacts (“E-302”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and subject to the conditions of E-302.

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 130212 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

Article II RESIDENTIAL BULK REGULATIONS

Chapter 3 RESIDENTIAL BULK REGULATIONS IN RESIDENCE DISTRICTS

* * *

23-633

Street wall location and height and setback regulations in certain districts R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

In the districts indicated, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply, except as otherwise set forth for #buildings# in R9D and R10X Districts.

(a) #Street wall# location

R6A R7A R7D R7X R9D

- (1) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# shall be located no closer to the #street line# than the closest #street wall# of an existing #building# to such #street line#, located on the same #block#, and within 150 feet of such #building#. However, a #street wall# need not be located further from the #street line# than 15 feet. On #corner lots#, these #street wall# location provisions shall apply along only one #street line#.

R6B R7B R8B

- (2) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7 Districts without a letter suffix, the #street wall# of a #building# on a #zoning lot# with at least 50 feet of frontage along a #street line# shall be located no closer to the #street line# than the #street wall# of an adjacent existing #building#. On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# need not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet.

R8A R8X R9A R9X R10A R10X

- (3) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, the following #street wall# location provisions shall apply along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street#:
- (i) the #street wall# shall extend along the entire #street# frontage of a #zoning lot#;
 - (ii) at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in the table in this Section or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line# provided any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#; and
 - (iii) the #street wall# location provisions of paragraph (a)(3) of this Section, inclusive, shall not apply to houses of worship.

No #street wall# location provisions shall apply along any #narrow street# beyond 50 feet of their intersection with a #wide street#.

For the purposes of applying the provisions of paragraph (a) in this Section, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern

#street lines# of Eastern Parkway.

* * *

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT

| District ⁵ | Minimum Base Height | Maximum Base Height | Maximum #Build Structure# Height |
|-------------------------------------------------------------|---------------------|---------------------|----------------------------------|
| R6B | 30 | 40 | 50 |
| R6 ² | 30 | 45 | 55 |
| R6 ¹ inside #Manhattan Core# | 40 | 55 | 65 |
| R6 ¹ outside #Manhattan Core# R6A | 40 | 60 | 70 |
| R7 ¹ inside #Manhattan Core# R7 ² R7B | 40 | 60 | 75 |
| R7 ¹ outside #Manhattan Core# R7A | 40 | 65 | 80 |
| R7D | 60 | 85 | 100 |
| R7X | 60 | 85 | 125 |
| R8B | 55 | 60 | 75 |
| R8 ² | 60 | 80 | 105 |
| R8 ¹ R8A | 60 | 85 | 120 |
| R8X | 60 | 85 | 150 |
| R9 ² R9A ² | 60 | 95 | 135 |
| R9A R9 ¹ | 60 | 102 | 145 |
| R9D | 60 | 85 ⁴ | -- ³ |
| R9X ² | 60 | 120 | 160 |
| R9X ¹ | 105 | 120 | 170 |
| R10 ² R10A ² | 60 | 125 | 185 |
| R10 ¹ R10A ¹ | 125 | 150 | 210 |
| R10X | 60 | 85 | -- ³ |

¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#

² For #zoning lots# on a #narrow street# except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

³ #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance with paragraph (c) of this Section

⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet

5 Where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

* * *

Article III COMMERCIAL DISTRICT REGULATIONS

Chapter 5 BULK REGULATIONS FOR MIXED BUILDINGS IN COMMERCIAL DISTRICTS

* * *

35-24 Special Street Wall Location and Height and Setback Regulations in Certain Districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D
C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, for all #buildings# or other structures#, and for #Quality Housing buildings# in other #Commercial Districts#, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings# or other structures# shall be measured from the #base plane#.

* * *

(b) #Street wall# location

C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5X

(1) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be located beyond eight feet of the #street line#.

Existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less.

For #zoning lots# bounded by more than one #street line#, these #street wall# location

provisions shall be mandatory along only one #street line#.

Where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D

(2) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1 or C2 Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street#:

(i) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

In C1 or C2 Districts when mapped within R9D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

(ii) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

Above a height of 12 feet above the #base plane#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(2)(i) of this Section.

(iii) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

No #street wall# location rules shall apply along #narrow streets# beyond 50 feet of their intersection with a #wide street#.

For the purposes of applying the provisions of paragraph (b) of this Section, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

* * *

TABLE A
HEIGHT AND SETBACK FOR BUILDINGS
OR OTHER STRUCTURES
IN CONTEXTUAL DISTRICTS

| District ⁵ | Minimum Base Height | Maximum Base Height | Maximum #Building# Height |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------|---------------------------------|
| C1 or C2 mapped in R6B | 30 | 40 | 50 |
| C1 or C2 mapped in R6A C4-2A C4-3A | 40 | 60 | 70 |
| C1 or C2 mapped in R7B | 40 | 60 | 75 |
| C1 or C2 mapped in R7A C1-6A C2-6A C4-4A C4-5A | 40 | 65 | 80 |
| C1 or C2 mapped in R7D C4-5D | 60 | 85 | 100 |
| C1 or C2 mapped in R7X C4-5X | 60 | 85 | 125 |
| C1 or C2 mapped in R8B | 55 | 60 | 75 |
| C1 or C2 mapped in R8A C1-7A C4-4D C6-2A | 60 | 85 | 120 |
| C1 or C2 mapped in R8X | 60 | 85 | 150 |
| C1 or C2 mapped in R9A ² C1-8A ² C2-7A ² C6- 3A ² | 60 | 95 | 135 |
| C1 or C2 mapped in R9A ¹ C1-8A ¹ C2-7A ¹ C6- 3A ¹ | 60 | 102 | 145 |
| C1 or C2 mapped in R9D C6-3D | 60 | 85 ⁴ | -- ³ |
| C1 or C2 mapped in R9X ² C1-8X ² C2-7X ² C6- 3X ² | 60 | 120 | 160 |
| C1 or C2 mapped in R9X ¹ C1-8X ¹ C2-7X ¹ C6- 3X ¹ | 105 | 120 | 170 |
| C1 or C2 mapped in R10A ² C1-9A ² C2-8A ² C4 -6A ² C4-7A ² C5-1A ² C5-2A ² C6-4A ² | 60 | 125 | 185 |
| C1 or C2 mapped in R10A ¹ C1-9A ¹ C2-8A ¹ C4 -6A ¹ C4-7A ¹ C5-1A ¹ C5-2A ¹ C6-4A ¹ | 125 | 150 | 210 |
| C1 or C2 mapped in R10X C6-4X | 60 | 85 | -- ³ |

¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#

- ² For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street line#
- ³ #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section
- ⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet
- ⁵ Where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

TABLE B
HEIGHT AND SETBACK FOR BUILDINGS
IN NON-CONTEXTUAL DISTRICTS

| District ³ | Minimum Base Height | Maximum Base Height | Maximum #Building# Height |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------|------------------------------|
| C1 or C2 mapped in R6 ² C4-2 ² C4-3 ² | 30 | 45 | 55 |
| C1 or C2 mapped in R6 ¹ inside #Manhattan Core# C4-2 ¹ inside #Manhattan Core# C4-3 ¹ inside #Manhattan Core# | 40 | 55 | 65 |
| C1 or C2 mapped in R6 ¹ outside #Manhattan Core# C4-2 ¹ outside #Manhattan Core# C4-3 ¹ outside #Manhattan Core# | 40 | 60 | 70 |
| C1 or C2 mapped in R7 ² C1 or C2 mapped in R7 ¹ inside #Manhattan Core# C1-6 ² C1-6 ¹ inside #Manhattan Core# C2-6 ² C2-6 ¹ inside #Manhattan Core# C4-4 ² C4-4 ¹ inside #Manhattan Core# C4-5 ² C4-5 ¹ inside #Manhattan Core# C6-1 ² C6-1 ¹ inside #Manhattan Core# | 40 | 60 | 75 |
| C1 or C2 mapped in R7 ¹ outside #Manhattan Core# C1-6 ¹ outside #Manhattan Core# C2-6 ¹ outside #Manhattan Core# C4-4 ¹ outside #Manhattan Core# C4-5 ¹ outside #Manhattan Core# C6-1 ¹ outside #Manhattan Core# | 40 | 65 | 80 |
| C1 or C2 mapped in R8 ² C1-7 ² C4-2F ² C6-2 ² | 60 | 80 | 105 |
| C1 or C2 mapped in R8 ¹ C1-7 ¹ C4-2F ¹ C6-2 ¹ | 60 | 85 | 120 |

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|
| C1 or C2 mapped in R9 ² C1-8 ² C2-7 ² C6-3 ² | 60 | 95 | 135 |
| C1 or C2 mapped in R9 ¹ C1-8 ¹ C2-7 ¹ C6-3 ¹ | 60 | 102 | 145 |
| C1 or C2 mapped in R10 ² C1-9 ² C2-8 ² C4-6 ² C4-7 ² | 60 | 125 | 185 |
| C5 ² C6-4 ² C6-5 ² C6-6 ² C6-7 ² C6-8 ² C6-9 ² | | | |
| C1 or C2 mapped in R10 ¹ C1-9 ¹ C2-8 ¹ C4-6 ¹ C4-7 ¹ | 125 | 150 | 210 |
| C5 ¹ C6-4 ¹ C6-5 ¹ C6-6 ¹ C6-7 ¹ C6-8 ¹ C6-9 ¹ | | | |

- ¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#
- ² For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street line#
- ³ Where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

Note: In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

* * *

**APPENDIX F
Inclusionary Housing Designated Areas**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

Table of
Inclusionary Housing Designated Areas
by Zoning Map

| Zoning Map | Community District | Maps of Inclusionary Housing Designated Areas |
|------------|--------------------|-----------------------------------------------|
| 16c | Brooklyn CD 2 | Maps 1-3 |
| 16c | Brooklyn CD 3 | Map 1 |

| | | |
|------------|----------------------|--------------|
| 16c | Brooklyn CD 6 | Map 1 |
| <u>16c</u> | <u>Brooklyn CD 8</u> | <u>Map 1</u> |
| 16d | Brooklyn CD 7 | Map1 |
| <u>16d</u> | <u>Brooklyn CD 8</u> | <u>Map 1</u> |
| 16d | Brooklyn CD 14 | Map 2 |
| 17a | Brooklyn CD 3 | Maps 1-5 |
| <u>17a</u> | <u>Brooklyn CD 8</u> | <u>Map 1</u> |
| <u>17b</u> | <u>Brooklyn CD 8</u> | <u>Map 1</u> |
| 17b | Brooklyn CD 14 | Map 2 |

* * *

Brooklyn

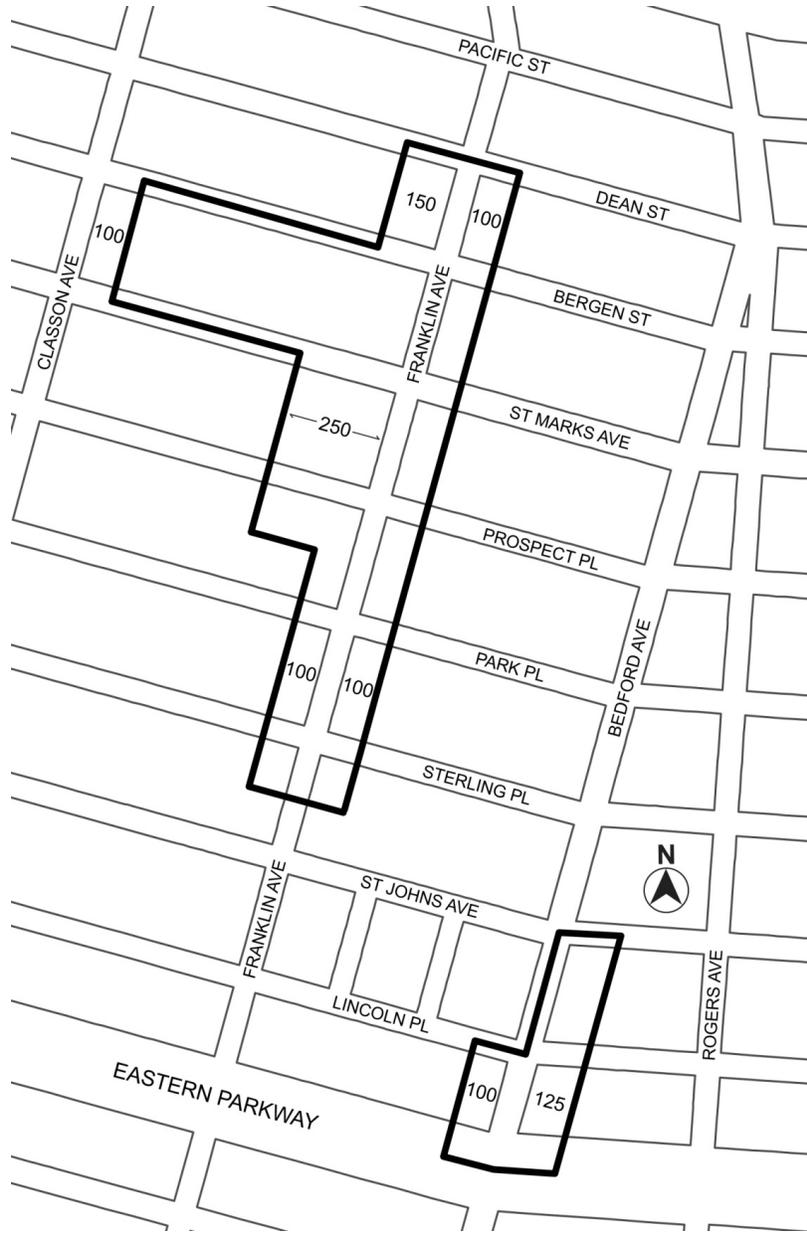
* * *

Brooklyn Community District 8

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

Map 1

New Map



Portion of Community District 8, Brooklyn

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 September 24, 2013, on file in this office.

City Clerk, Clerk of The Council