



## Legislation Text

**File #:** Res 2124-2009, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2124

Resolution approving the decision of the City Planning Commission on Application No. N 090309 ZRK, for an amendment to the Zoning Resolution of the City of New York, Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A and R8A districts, and Section 123-90, relating to the establishment of Special Mixed Use District #2 in DUMBO in the Borough of Brooklyn (Preconsidered L.U. No. 1165).

By Council Member Katz

WHEREAS, the City Planning Commission filed with the Council on July 2, 2009 its decision dated July 1, 2009 (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 to the Zoning Resolution of the City of New York, Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A and R8A districts, and Section 123-90, relating to the establishment of Special Mixed Use District #2 in DUMBO in the Borough of Brooklyn, Community District 2, Application No. N 090309 ZRK, (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090310 ZMK (Preconsidered L.U. No. 1166), an amendment of the Zoning Map, to rezone all or portions of twelve blocks from M1-2 and M3-1 districts to M1-4/R8A (MX-2) and M1-4/R7A (MX-2);

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 July 27, 2009;

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, issued on February 17, 2009, which included (E) designations for hazardous materials, air quality, and noise (CEQR No. 09DCP053K);

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment; 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.

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 in # # is defined in Section 12-10;

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

## Article II: Residence District Regulations

### Chapter 3

#### Bulk Regulations for Residential Buildings in Residence Districts

\* \* \*

#### 23-922

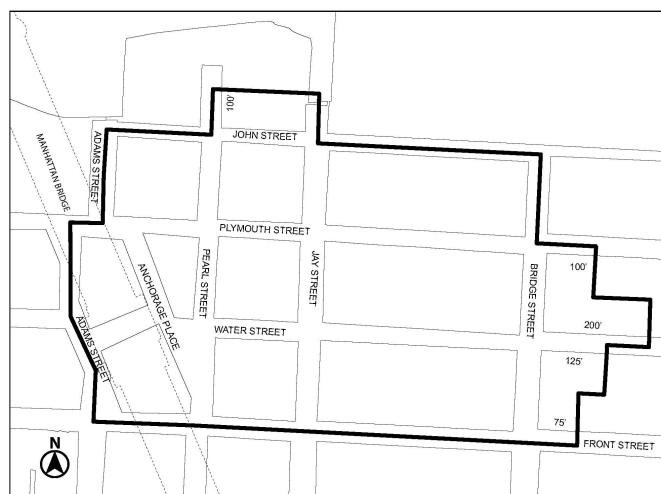
#### Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

\* \* \*

(e) In Community District 2, in the Borough of Brooklyn, in the R7A and R8A Districts within the areas shown on the following Maps 7, 8, ~~and 9~~ and 10:

\* \* \*



Map 10  
Portion of Community District 2, Brooklyn

(f) In Community District 7, in the Borough of Manhattan, in the R9A Districts within the areas shown on the following Map ~~10~~11:

\* \* \*

Map ~~10~~11  
Portion of Community District 7, Manhattan

(g) In Community District 3, in the Borough of Brooklyn, in the R7D Districts within the areas shown on the following Maps ~~11 and 12~~ and 13:

\* \* \*

MAP ~~11~~12  
Portion of Community District 3, Brooklyn

\* \* \*

MAP ~~12~~13  
Portion of Community District 3, Brooklyn

(h) In Community District 6, in the Borough of Manhattan, in the R10 Districts within the areas shown on the following Map ~~13~~14:

\* \* \*

MAP ~~13~~14  
Portion of Community District 6, Manhattan

(i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map ~~14~~15:

\* \* \*

Map ~~14~~15: portion of Community District 3, Manhattan

\* \* \*

## Article XII - Special Purpose Districts

**Chapter 3  
Special Mixed Use District**

\* \* \*

**123-63  
Maximum Floor Area Ratio and Lot Coverage Requirements for 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 Sections 23-142, 23-143 and paragraph (a) of Section 23-147 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 Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

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 80 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 80 percent on a #corner lot#.

However, in #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Special Mixed Use District	Designated Residence District
MX 8-Community District 1, Brooklyn	R6 R6A R6B R7A
MX 2-Community District 2, Brooklyn	R7A R8A

\* \* \*

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

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

#Special Mixed Use District# - 1:  
Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 2:  
~~Fulton Ferry~~DUMBO, Brooklyn

The #Special Mixed Use District# - 2 is established in DUMBO ~~Fulton Ferry~~ 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 July 29, 2009, on file in this office.

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