

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:**  
**WEDNESDAY, JANUARY 6, 2016**  
**10:00 A.M. BROOKLYN BOROUGH HALL COURTROOM**  
**AUDITORIUM, 209 JORALEMON STREET, BROOKLYN, N.Y.**

Yvette V. Gruel, Calendar Officer  
 22 Reade Street, Room 2E  
 New York, New York 10007-1216  
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 150171 PQK	16	FRIENDS OF CROWN HEITHTS 26 CHILD CARE CENTER	Scheduled to be Heard 1/20/16
2	N 150342 ZRK	15	3133-3135 EMMONS AVENUE	" "
3	C 150343 ZSK	15	" "	" "
4	C 150058 PQX	9	EAST BRONX CHILD CARE CENTER	Favorable Report Adopted
5	C 150384 ZSM	2	321-323 CANAL STREET	" "
6	C 150385 ZSM	2	" "	" "
7	N 150416 ZRM	2	150 WOOSTER STREET	" "
8	C 150417 ZSM	2	" "	" "
9	C 150418 ZSM	2	" "	" "
10	N 160083 RCR	3	953-963 EDGE GROVE AVENUE	Certification Approved
11	N 160077 RCR	3	173 WOODROW ROAD	" "
12	N 160076 RCR	3	193 SHELDON AVENUE	" "
13	N 140380 RCR	3	91 & 107 SEGUINE AVENUE	" "
14	N 160052 RCR	3	2777 ARTHUR KILL ROAD	" "
15	N 160046 RCR	3	261 DURANT AVENUE	" "
16	N 160085 RCR	3	5508 AMBOY ROAD	" "
17	N 160066 RCR	3	7558 AMBOY ROAD	" "

COMMISSION ATTENDANCE:		Present (P)	COMMISSION VOTING RECORD:																	
		Absent (A)	In Favor - Y	Oppose - N	Abstain - AB	Recuse - R														
Calendar Numbers:			4	5	6	7	8	9	10	11	12	13	14	15	16	17				
Carl Weisbrod, Chairman	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Kenneth J. Knuckles, Esq., Vice Chairman	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Rayann Besser	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Irwin G. Cantor, P.E.	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Alfred C. Cerullo, III	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Michelle R. De La Uz	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Joseph I. Douek	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Richard W. Eaddy	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Cheryl Cohen Efron	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Hope Knight	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Anna Hayes Levin	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Orlando Marin	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Larisa Ortiz, Commissioners	P		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				

MEETING ADJOURNED AT: 7:15 P.M.



**COMPREHENSIVE  
CITY PLANNING CALENDAR  
of  
The City of New York**

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**CITY PLANNING COMMISSION**

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**WEDNESDAY, JANUARY 6, 2016**

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**MEETING AT 10:00A.M. AT BROOKLYN BOROUGH  
HALL COURTROOM AUDITORIUM  
209 JORALEMON STREET  
BROOKLYN, NEW YORK**



**Bill de Blasio, Mayor  
City of New York**

**[No. 2]**

**Prepared by Yvette V. Gruel, Calendar Officer**

To view the Planning Commission Calendar and/or the Zoning Resolution on the Internet, visit  
the Department of City Planning (DCP) home page at:  
**[nyc.gov/planning](http://nyc.gov/planning)**

**CITY PLANNING COMMISSION**

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**GENERAL RULES OF PROCEDURE AS PERTAINING TO  
PUBLIC MEETINGS**

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

**NOTE** - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

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**NOTICE--CALENDARS:** City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site ([www.nyc.gov/planning](http://www.nyc.gov/planning)).

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below.

**City Planning Commission**  
Calendar Information Office  
120 Broadway – 31<sup>st</sup> Floor  
New York, New York 10271

**For Additional Calendar Information:** call (212) 720-3370.

**B**

**CITY PLANNING COMMISSION**

**120 Broadway, 31<sup>st</sup> Floor, New York, N.Y. 10271**

- CARL WEISBROD, *Chairman***
- KENNETH J. KNUCKLES, *Esq., Vice Chairman***
- RAYANN BESSER**
- IRWIN G. CANTOR, P.E.**
- ALFRED C. CERULLO, III**
- MICHELLE R. DE LA UZ**
- JOSEPH I. DOUEK**
- RICHARD W. EADDY**
- CHERYL COHEN EFFRON**
- HOPE KNIGHT**
- ANNA HAYES LEVIN**
- ORLANDO MARIN**
- LARISA ORTIZ, *Commissioners***
- YVETTE V. GRUEL, *Calendar Officer***

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

**TABLE OF CONTENTS**

**WEDNESDAY JANUARY 6, 2016**

Roll Call; Approval of Minutes.....1

I. Matters to Be Scheduled for Public Hearings on January 20, 2016.....1

II.Reports .....6

III.Public Hearings .....15

IV. Schedule of Meetings: January 1, 2016 – December 31, 2016.....122

**Community Board Public Hearing Notices are available in the  
Calendar Information Office, 31st Floor, 120 Broadway,  
New York, N.Y. 10271**

The next regular public meeting of the City Planning Commission is scheduled for January 20, 2016 at 10:00 a.m.

**GENERAL INFORMATION**

**HOW TO PARTICIPATE:**

**Signing up to speak:** Anyone wishing to speak on the items listed under “Public Hearings” in this Calendar, is requested to fill out a speaker’s slip available at the staff desk outside the hearing chambers on the day of the hearing. Public officials will be given speaking priority. Unlike previous hearings where the proceedings alternate every 30 minutes between those speaking in support of a proposal and those speaking in opposition, the first five speakers in favor will be heard and given the opportunity to conclude their testimony before the next five speakers in opposition are heard. The hearing will proceed in this manner until all speakers present have had an opportunity to be heard. Staff will also periodically post updates on the status of the order of speakers on the Department’s website (Commission Calendar - New York City Department of City Planning) and on Twitter, (twitter.com/NYCPlanning).

**Length of Testimony:** In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

**Written Comments:** If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers, or mail their written comments to:

**CITY PLANNING COMMISSION  
Calendar Information Office – 31<sup>st</sup> Floor  
120 Broadway, New York, N.Y. 10271**

Subject \_\_\_\_\_

Date of Hearing \_\_\_\_\_ Calendar No. \_\_\_\_\_

Borough \_\_\_\_\_ ULURP No.: \_\_\_\_\_ CD No.: \_\_\_\_\_

Position:      Opposed \_\_\_\_\_

                    In Favor \_\_\_\_\_

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Organization (if any) \_\_\_\_\_

**JANUARY 6, 2016**

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**APPROVAL OF MINUTES OF the Special Public Meeting of January 4, 2016**

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**I. PUBLIC HEARING OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR  
WEDNESDAY, JANUARY 20, 2016  
STARTING AT 10:00 A. M. AT SPECTOR HALL  
22 READE STREET  
NEW YORK, NEW YORK**

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**BOROUGH OF BROOKLYN**

**No. 1**

***FRIENDS OF CROWN HEIGHTS 26 CHILD CARE CENTER***

**CD 16**

**C 150171 POK**

**IN THE MATTER OF** an application submitted by the Administration for Children’s Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 20 Sutter Avenue (Block 3531, Lot 23) for continued use as a child care center.

**Resolution for adoption scheduling January 20, 2016 for a public hearing.**

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**Nos. 2 & 3**

***3133-3135 EMMONS AVENUE***

**No 2**

**CD 15**

**N 150342 ZRK**

**IN THE MATTER OF** an application submitted by STGG Realty, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning use, bulk and parking regulations in Article IX, Chapter 4 (Special Sheepshead Bay District).

Matter underlined 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 IX – Special Purpose Districts**

**Chapter 4 – Special Sheepshead Bay District**

\* \* \*

**94-064**

**Supplementary use regulations**

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.

\* \* \*

**94-09**

**Special Bulk Regulations**

\* \* \*

**94-092**

**Maximum floor area ratio**

The permitted basic #floor area ratio# for #residential# or #community facility use# is 1.25 and for #commercial use# is 1.00. The permitted basic #floor area ratio# may be increased on any #zoning lot# by the amount set forth in Section 94-08 (Special Floor Area Bonus Provisions), or through transfer provisions pursuant to Section 94-094 (Authorization provisions for transfer of development rights to receiving lots) or by special permit pursuant to Section 94-096 (Special permit for floor area, location within buildings, building height and related parking modifications within Area G).

\* \* \*

**94-096**

**Special permit for floor area, location within buildings, building height and related parking modifications within Area G**

For #enlargements# to #buildings# in Area G, on #zoning lots# with a #lot area# of at least 10,000 square feet and existing on (effective date of amendment), the City Planning Commission may:

- (a) modify the provisions of Section 94-092 (Maximum floor area ratio) to increase the permitted #floor area ratio# for #commercial use# to 2.0 provided that such #enlargement#:
  - (1) is designed so as not to impair the character of the surrounding area or its future development; and
  - (2) will not cause undue congestion on local #streets# or impair pedestrian circulation;
  
- (b) modify the height provisions of paragraph (a) of Section 33-431 (In C1 or C2 Districts with bulk governed by surrounding Residence District) relating to the requirements in Section 32-42 for location of #uses# within #buildings#, to allow a #commercial building# or portion thereof to exceed 30 feet in height or two #stories#, provided that such #building# shall not exceed a maximum height of 35 feet or three #stories#, whichever is less; and provided that the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and
  
- (c) waive or reduce the number of #accessory# off-street parking spaces required by Section 36-21 (General Provisions) for such #use#, provided that the applicant has demonstrated that the number of #accessory# off-street parking spaces supplied is sufficient to meet the parking needs of such #use#.

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

\* \* \*

**94-11**

**Special Parking Provisions**

\* \* \*

**94-114**

**Exceptions to application of waiver provisions and applicability of special permits related to parking**

In areas A, B, C, D, E and F, the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number) do not apply.

The provisions relating to modifications of #parking# requirements of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) in Sections 73-10 through 73-52, shall not apply in the Special District.

**Resolution for adoption scheduling January 20, 2016 for a public hearing.**

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**No. 3**

**CD 15**

**C 150343 ZSK**

**IN THE MATTER OF** an application submitted by STGG Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 94-096\* of the Zoning Resolution to modify the floor area requirements of Sections 94-092\* (Maximum floor area ratio), to modify the location of use requirements of Section 32-421 (Limitation on floors occupied by commercial use), the height requirements of Section 33-43 (Maximum Height of Walls and Required Setbacks), and the accessory parking requirements of Section 36-21 (General Provisions) to facilitate the 1-story enlargement of an existing 2-story commercial building, on property located at 3133-3135 Emmons Avenue (Block 8804, Lot 75), in an R5/C2-2 District, within the Special Sheepshead Bay District.

\*Note: A zoning text amendment is proposed to create a new Section 94-096 and to modify Section 94-092 under a concurrent related application N 150342 ZRK.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**Resolution for adoption scheduling January 20, 2016 for a public hearing.**

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**II. REPORTS**

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**BOROUGH OF THE BRONX**

**No. 4**

***EAST BRONX CHILD CARE CENTER***

**CD 9**

**C 150058 PQX**

**IN THE MATTER OF** an application submitted by the Administration for Children’s Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1113 Colgate Avenue (Block 3736, Lot 1) for continued use as a day care center.

(On November 18, 2015, Cal. No. 1, the Commission scheduled December 2, 2015 for a public hearing. On December 2, 2015, Cal. No. 9, the hearing was closed.)

**For consideration.**

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**BOROUGH OF MANHATTAN**

**Nos. 5 & 6**

***321-323 CANAL STREET***

**No. 5**

**CD 2**

**C 150384 ZSM**

**IN THE MATTER OF** an application submitted by 321 New Canal LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar; and
2. Section 42-10 to allow residential uses (Use Group 2 uses) on the second through fourth floor and portions of the ground floor

of an existing 4-story building, on property located at 321 Canal Street (Block 230, Lot 5), in an M1-5B District.

(On November 18, 2015, Cal. No. 2, the Commission scheduled December 2, 2015 for a public hearing. On December 2, 2015, Cal. No. 10 the hearing was closed.)

**For consideration.**

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**No. 6**

**CD 2**

**C 150385 ZSM**

**IN THE MATTER OF** an application submitted by 323 Equities LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar; and
2. Section 42-10 to allow residential uses (Use Group 2 uses) on the second through fourth floor and portions of the ground floor

of an existing 4-story building, on property located at 323 Canal Street (Block 230, Lot 6), in an M1-5B District, within the SoHo Cast-Iron Historic.

(On November 18, 2015, Cal. No. 3, the Commission scheduled December 2, 2015 for a public hearing. On December 2, 2015, Cal. No. 11, the hearing was closed.)

**For consideration.**

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**Nos. 7, 8 & 9**

***150 WOOSTER STREET***

**No. 7**

**CD 2**

**N 150416 ZRM**

**IN THE MATTER OF** an application submitted by 150 Wooster LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712, concerning a special permit for developments in historic districts within M1-5A and M1-5B districts.

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

**74-712**

**Developments in Historic Districts**

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In M1-5A and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, ~~has not more than 20 percent of the lot area occupied by existing #buildings#, or has #street# frontages on two or more #wide streets# and~~ or has not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided:

\* \* \*

- (b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5A and M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than ~~20~~ 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications: ~~comply with the findings set forth below.~~

~~In addition, in M1-5A and M1-5B Districts, the Commission may also modify #bulk# regulations, except #floor area ratio regulations#, for development on a #zoning lot# that has street frontages on two or more #wide streets# and that, as of December 15, 2003, has more than 20 percent but not more than 40 percent of the #lot area# occupied by existing #buildings#, provided the #development# contains no #residences# and the Commission finds that such #bulk# modifications:~~

(On November 18, 2015, Cal. No. 4, the Commission scheduled December 2, 2015 for a public hearing. On December 2, 2015, Cal. No. 12, the hearing was closed.)

**For consideration.**

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**No. 8**

**CD 2**

**C 150417 ZSM**

**IN THE MATTER OF** an application submitted by 150 Wooster LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(a)\* of the Zoning Resolution to modify the use regulations of Sections 42-00 and 42-14(D)(2)(a) to allow Use Group 2 uses on portions of the cellar, ground floor, and on the 2<sup>nd</sup> – 8<sup>th</sup> floors and penthouse, and Use Group 6 uses (retail uses) on portions of the cellar and ground floor of a proposed 8-story and penthouse mixed-use building on a zoning lot that, as of December 15, 2003, has not more than 40% of its lot area occupied by existing buildings, located at 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District.

\*Note: A zoning text amendment is proposed to modify Section 74-712 of the Zoning Resolution under a concurrent related application N 150416 ZRM.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On November 18, 2015, Cal. No. 5, the Commission scheduled December 2, 2015 for a public hearing. On December 2, 2015, Cal. No. 13, the hearing was closed.)

**For consideration.**

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**No. 9**

**CD 2**

**C 150418 ZSM**

**IN THE MATTER OF** an application submitted by 150 Wooster LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b)\* of the Zoning Resolution to modify the height & setback requirements of Section 43-43 and the permitted obstructions requirements of Section 43-23, to facilitate the development of an 8-story and penthouse mixed-use building on a zoning lot where not more than 40% of the lot area is occupied by existing buildings as of December 15, 2003, located at 150 Wooster Street (Block 514, Lots 7 and 9), in an M1-5A District, within the SoHo Cast-Iron Historic District.

\*Note: A zoning text amendment is proposed to modify Section 74-712 of the Zoning Resolution under a concurrent related application N 150416 ZRM.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On November 18, 2015, Cal. No. 6, the Commission scheduled December 2, 2015 for a public hearing. On December 2, 2015, Cal. No. 14, the hearing was closed.)

**For consideration.**

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**BOROUGH OF STATEN ISLAND**

**No. 10**

***953 & 963 EDGEGROVE AVENUE***

**CD 3**

**N 160083 RCR**

**IN THE MATTER OF** an application submitted by Lillian Savo for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the current two zoning lots into three new zoning lots at 953 and 963 Edgegrove Avenue (Block 6879, Existing Lots 50 and 56, Tentative Lots 50, 53, and 56) within the Special South Richmond Development District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> Floor, Staten Island, New York, 10301.

**For consideration.**

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**No. 11**

***173 WOODROW ROAD***

**CD 3**

**N 160077 RCR**

**IN THE MATTER OF** an application submitted by CMW Realty, LLC for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the current one zoning lot into two new zoning lots at 173 Woodrow Road (Block 5720, Existing Lot 80, Tentative Lots 80 and 81) within the Special South Richmond Development District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> Floor, Staten Island, New York, 10301.

**For consideration.**

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**No. 12**

***193 SHELDON AVENUE***

**CD 3**

**N 160076 RCR**

**IN THE MATTER OF** an application submitted by Helen Curtin for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the current one zoning lot into three new zoning lots at 193 Sheldon Avenue (Block 6253, Existing Lot 53, Tentative Lots 36, 53, and 56) within the Special South Richmond Development District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> Floor, Staten Island, New York, 10301.

**For consideration.**

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**No. 13**

***91 & 107 SEGUINE AVENUE***

**CD 3**

**N 140380 RCR**

**IN THE MATTER OF** an application submitted by William Ruggiero/91 Seguire Ave LLC for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the current three zoning lots comprised of four tax lots (Block 6680, Tax Lots 5, 11, 26, and 126) into ten new zoning lots comprised of eleven tax lots (Tentative lots 5-11, 23-25, 126) at 91 and 107 Seguire Avenue within the Special South Richmond Development District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> Floor, Staten Island, New York, 10301.

**For consideration.**

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**No. 14**

***2777 ARTHUR KILL ROAD***

**CD 3**

**N 160052 RCR**

**IN THE MATTER OF** an application submitted by Steve Pasciuta for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the current one zoning lot into two new zoning lots at 2777 Arthur Kill Road (Block 7167, Existing Lot 72, Tentative Lots 72 and 74) within the Special South Richmond Development District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> Floor, Staten Island, New York, 10301.

**For consideration.**

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**No. 15**

***261 DURANT AVENUE***

**CD 3**

**N 160046 RCR**

**IN THE MATTER OF** an application submitted by Vincent Aiello for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the current one zoning lot into two new zoning lots at 261 Durant Avenue (Block 5092, Existing Lot 35, Tentative Lots 35 and 36) within the Special South Richmond Development District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> Floor, Staten Island, New York, 10301.

**For consideration.**

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**No. 16**

***5508 AMBOY ROAD***

**CD 3**

**N 160085 RCR**

**IN THE MATTER OF** an application submitted by Kramer Enterprises, Inc. for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the current one zoning lot into four new zoning lots at 5508 Amboy Road (Block 6586, Existing Lot 15, Tentative Lots 11, 13, 15, 17) within the Special South Richmond Development District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> Floor, Staten Island, New York, 10301.

**For consideration.**

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**No. 17**

***7558 AMBOY ROAD***

**CD 3**

**N 160066 RCR**

**IN THE MATTER OF** an application submitted by St. Paul's United Methodist Church for the grant of a certification pursuant to Section 107-08 of the Zoning Resolution to facilitate a future subdivision of the current one zoning lot into two new zoning lots at 7558 Amboy Road (Block 7915, Existing Lot 1, Tentative Lots 1 and 5) within the Special South Richmond Development District.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6<sup>th</sup> Floor, Staten Island, New York, 10301.

**For consideration.**

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**III. PUBLIC HEARINGS**

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**BOROUGH OF BROOKLYN**

**Nos. 18, 19, 20, 21 & 22**

***EAST NEW YORK REZONING***

**No. 18**

**CD 5 & 16**

**C 160035 ZMK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17c and 17d:

1. eliminating from within an existing R5 District a C1-2 District bounded by Conduit Boulevard, Glenmore Avenue, and Pine Street and it's northerly prolongation;
2. eliminating from within an existing R5 District a C1-3 District bounded by:
  - a. Arlington Avenue, Essex Street, a line 150 feet southeasterly of Fulton Street, and Linwood Street;
  - b. a line 150 feet northerly of Liberty Avenue, Milford Street, Liberty Avenue, and Atkins Avenue;
  - c. a line 150 feet northerly of Pitkin Avenue, Vermont Street, a line 100 feet northerly of Pitkin Avenue, and New Jersey Avenue;
  - d. a line 150 feet northerly of Pitkin Avenue, Hendrix Street, a line 150 feet southerly of Pitkin Avenue, a line midway between Hendrix Street and Van Sicken Avenue, a line 100 feet northerly of Pitkin Avenue, and Van Sicken Avenue;
  - e. a line 150 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, Berriman Street, a line 150 feet northerly of Pitkin Avenue, Logan Street, a line 150 feet southerly of Pitkin Avenue, and Linwood Street; and

- f. a line 150 feet northerly of Pitkin Avenue, Doscher Street, a line 150 feet southerly of Pitkin Avenue, and Crystal Street;
3. eliminating from within an existing R6 District a C1-3 District bounded by:
    - a. a line 100 feet northerly of Pitkin Avenue, Vermont Street, Pitkin Avenue, and New Jersey Avenue; and
    - b. a line 100 feet northerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclén Avenue, a line 150 feet southerly of Pitkin Avenue, Miller Avenue, Pitkin Avenue, and Van Siclén Avenue;
  4. eliminating from within an existing R5 District a C2-2 District bounded by:
    - a. a line 100 feet northerly of Atlantic Avenue, Van Siclén Avenue, Atlantic Avenue, and Bradford Street; and
    - b. a line midway between Wells Street and Liberty Avenue and its easterly prolongation, Conduit Boulevard, Pine Street and its northerly prolongation, a line 150 feet northerly of Pitkin Avenue, Crescent Street, Pitkin Avenue, Euclid Avenue, a line 150 feet southerly of Pitkin Avenue, Doscher Street, a line 140 feet northerly of Pitkin Avenue, a line midway between Euclid Avenue and Doscher Street, Liberty Avenue, and a line 100 feet southwesterly of Conduit Boulevard;
  5. eliminating from within an existing R4 District a C2-3 District bounded by:
    - a. a line 150 feet northwesterly of Fulton Street, Elton Street, a line 100 feet northwesterly of Fulton Street, and Wyona Street; and
    - b. a line 150 feet northerly of Arlington Avenue, a line 150 feet northwesterly of Fulton Street, a line midway between Euclid Avenue- Father John Krieg Place and Chestnut Street;
  6. eliminating from within an existing R5 District a C2-3 District bounded by:
    - a. a line 100 feet northwesterly of Fulton Street, Linwood Street, a line 150 feet southeasterly of Fulton Street, and Wyona Street;
    - b. Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, a line midway between Euclid Avenue- Father John Krieg Place and Chestnut Street, a line 150 feet northwesterly of Fulton Street, Euclid Avenue- Father John Krieg Place, Fulton

- Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, Logan Street, a line 150 feet southeasterly of Fulton Street, and Essex Street;
- c. Liberty Avenue, Ashford Street, a line 100 feet northerly of Liberty Avenue, Cleveland Street, a line 150 feet northerly of Liberty Avenue, a westerly boundary line of a playground (Sperandio Bros. Playground), Liberty Avenue, Linwood Street, a line 150 feet northerly of Liberty Avenue, Shepherd Avenue, a line 150 feet southerly of Liberty Avenue, and Warwick Street;
  - d. Liberty Avenue, Milford Street, a line 150 feet northerly of Liberty Avenue, Crystal Street, a line 150 feet southerly of Liberty Avenue, and Montauk Avenue;
  - e. Glenmore Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue- Industrial Park, and a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue;
  - f. a line 150 feet northerly of Pitkin Avenue, Wyona Street, a line 100 feet northerly of Pitkin Avenue, and Vermont Street;
  - g. a line 150 feet northerly of Pitkin Avenue, Linwood Street, a line 150 feet southerly of Pitkin Avenue, and Schenck Avenue; and
  - h. a line 150 feet northerly of Pitkin Avenue, Crystal Street, a line 150 feet southerly of Pitkin Avenue, and Logan Street;
7. eliminating from within an existing R6 District a C2-3 District bounded by a line 100 feet northerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, Miller Avenue, a line 150 feet southerly of Pitkin Avenue, the easterly boundary line of a park and its northerly prolongation, Pitkin Avenue, and Vermont Street;
  8. changing from a C8-1 District to an R5 District property bounded by:
    - a. the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), Pine Street, a line 100 feet northwesterly of Atlantic Avenue, Autumn Avenue, Atlantic Avenue, and the southeasterly prolongation of a line 100 feet westerly of Pine Street;
    - b. a line 125 feet northerly of Glen Street, a line 100 feet southeasterly of Atlantic Avenue, and Crescent Street; and
    - c. Atlantic Avenue, Lincoln Avenue, a line 100 feet southeasterly of Atlantic Avenue and Autumn Avenue;

9. changing from a C8-2 District to an R5 District property bounded by:
  - a. Atlantic Avenue, an easterly boundary line of a playground (Sperandio Bros. Playground) and its northerly prolongation, a line 100 feet southeasterly of Atlantic Avenue, and Cleveland Street;
  - b. a line 210 feet northwesterly of Atlantic Avenue, a line 100 feet westerly of Pine Street, and a line perpendicular to the easterly street line of Euclid Avenue distant 210 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Euclid Avenue and the northwesterly street line of Atlantic Avenue; and
  - c. a line 100 feet northwesterly of Atlantic Avenue, Pine Street, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), and a line 100 feet westerly of Pine Street;
10. changing from an R5 District to an R5B District property bounded by
  - a. a line 100 feet southeasterly of Fulton Street, Logan Street, a line 300 feet northwesterly of Atlantic Avenue, Norwood Avenue, a line perpendicular to the westerly street line of Norwood Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, a line 100 feet easterly of Hale Avenue, a line 100 feet northwesterly of Atlantic Avenue, Shepherd Avenue, a line 200 feet northwesterly of Atlantic Avenue, Essex Street, a line perpendicular to the westerly street line of Essex Street distant 110 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Essex Street and the northwesterly street line of Atlantic Avenue, Linwood Street, a line 100 feet northwesterly of Atlantic Avenue, Elton Street, a line 150 feet northwesterly of Atlantic Avenue, Jerome Street, a line 100 feet northwesterly of Atlantic Avenue, Hendrix Street, a line 275 feet southerly of Fulton Street, Van Siclen Avenue, a line 100 feet northerly of Atlantic Avenue, Vermont Street, a line 150 feet northerly of Atlantic Avenue, and New Jersey Avenue;
  - b. a line 100 feet southerly of Liberty Avenue, Wyona Street, a line 200 feet southerly of Liberty Street, a line midway between Wyona Street and Bradford Street, a line 150 feet southerly of Liberty Avenue, Bradford Street, a line 100 feet southerly of Liberty Avenue, a line midway between Shepherd Avenue and Essex Street, a line 100 feet northerly of Pitkin Avenue, Van Siclen Avenue, a line 200 feet northerly of Pitkin Avenue, Bradford Street, a line 100 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 200 feet northerly of Pitkin Avenue, and a line midway between New Jersey Avenue and Pennsylvania

Avenue- Granville Payne Avenue;

- c. a line 238 feet southeasterly of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line 335 feet southeasterly of Atlantic Avenue, Milford Street, a line 100 feet southeasterly of Atlantic Avenue, Logan Street, a line 300 feet southeasterly of Atlantic Avenue, Fountain Avenue, a line 100 feet northerly of Liberty Avenue, and Montauk Avenue;
  - d. Wells Street, and its southeasterly centerline prolongation, a line 100 feet northerly of Liberty Avenue, and Crystal Street;
  - e. a line 100 feet southerly of Glenmore Avenue, Atkins Avenue, Glenmore Avenue, Montauk Avenue, a line 100 feet southerly of Liberty Avenue, Euclid Avenue, a line 100 feet northerly of Pitkin Avenue, and Berriman Street; and
  - f. Glenmore Avenue, a line 120 feet easterly of Euclid Avenue, a line 100 feet northerly of Glenmore Avenue, Pine Street, Glenmore Avenue, Crescent Street, a line 100 feet northerly of Pitkin Avenue, and a line midway between Euclid Avenue and Pine Street;
11. changing from a C8-1 District to an R5B District property bounded by a line 70 feet northerly of Glen Street, a line 100 feet westerly of Crescent Street, a line perpendicular to the westerly street line of Crescent Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Crescent Street and the southeasterly street line of Atlantic Avenue, Crescent Street, Glen Street, and Euclid Avenue;
12. changing from a C8-2 District to an R5B District property bounded by a line 150 feet northerly of Atlantic Avenue, Vermont Street, a line 100 feet northerly of Atlantic Avenue, and a line midway between Vermont Street and New Jersey Avenue;
13. changing from an M1-1 District to an R5B District property bounded by:
- a. a line 150 feet northwesterly of Atlantic Avenue, Elton Street, a line 100 feet northwesterly of Atlantic Avenue, and Jerome Street;
  - b. a line 200 feet northwesterly of Atlantic Avenue, Shepherd Avenue, a line 100 feet northwesterly of Atlantic Avenue, and Essex Street;
  - c. a line 300 feet northwesterly of Atlantic Avenue, Logan Street, a line perpendicular to the westerly street line of Logan Street distant 265 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Logan Street and the northwesterly street line of

- Atlantic Avenue, a line midway between Logan Street and Norwood Avenue, a line perpendicular to the easterly street line of Norwood Avenue distant 250 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, and Norwood Avenue;
- d. a line 100 feet southeasterly of Fulton Street, a line 100 feet easterly of Logan Street, Dinsmore Place, and Logan Street;
  - e. a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, Milford Street, a line 335 feet southeasterly of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line 238 feet southeasterly of Atlantic Avenue, and Montauk Avenue;
  - f. a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Fountain Avenue, a line 300 feet southeasterly of Atlantic Avenue, and Logan Street; and
  - g. Liberty Avenue, Atkins Avenue, a line 180 feet southerly of Liberty Avenue, Montauk Avenue, Glenmore Avenue, and Berriman Street;
14. changing from an M1-2 District to an R5B District property bounded by a line 80 feet southerly of Herkimer Street, a line midway between Jardine Place and Havens Place, a line 80 feet northerly of Atlantic Avenue, a line midway between Jardine Place and Sackman Street, Atlantic Avenue, Sackman Street, a line midway between Herkimer Street and Atlantic Avenue, and a line midway between Sackman Street and Sherlock Place;
15. changing from an R5 District to an R6A District property bounded by:
- a. a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue- Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton

Street, and Bradford Street; and

- b. a line 100 feet northerly of Liberty Avenue, Cleveland Street Liberty Avenue, Linwood Street, a line 100 feet northerly of Liberty Avenue, Conduit Boulevard, Euclid Avenue, a line 100 feet southerly of Liberty Avenue, Montauk Avenue, Liberty Avenue, Shepherd Avenue, Glenmore Avenue, Atkins Avenue, a line 100 feet southerly of Glenmore Avenue, Berriman Street, a line 100 feet northerly of Pitkin Avenue, a line midway between Shepherd Avenue and Essex Street, a line 100 feet southerly of Liberty Avenue, and Barbey Street;
16. changing from an M1-1 District to an R6A District property bounded by:
- a. Somers Street, a line 280 feet easterly of Sackman Street, a line midway between Somers Street and Truxton Street, a line 225 feet easterly of Sackman Street, and Sackman Street;
  - b. Liberty Avenue, Berriman Street, Glenmore Avenue, and Shepherd Avenue;
  - c. Liberty Avenue, Montauk Avenue, a line 180 feet southerly of Liberty Avenue, and Atkins Avenue; and
  - d. a line 100 feet southeasterly of Fulton Street, a line 100 feet easterly of Richmond Street, a line 125 feet northerly of Dinsmore Place, Richmond Street, and Dinsmore Place;
17. changing from an R5 District to an R6B District property bounded by:
- a. a line 100 feet southeasterly of Atlantic Avenue, Ashford Street, a line 100 feet northerly of Liberty Avenue, and Barbey Street; and
  - b. a line 100 feet southeasterly of Atlantic Avenue, Essex Street, a line 300 feet southeasterly of Atlantic Avenue, Berriman Street, a line 100 feet southeasterly of Atlantic Avenue, Montauk Avenue, a line 100 feet northerly of Liberty Avenue, and Linwood Street;
18. changing from a C8-2 District to an R6B District property bounded by:
- a. a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, Vermont Street, a line 100 feet northerly of Liberty Avenue, and New Jersey Avenue; and

- b. a line 100 feet southerly of Atlantic Avenue, Schenck Avenue, a line 100 feet northerly of Liberty Avenue, and Wyona Street;
19. changing from an M1-1 District to an R6B District property bounded by:
- a. a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Jerome Street and the southeasterly street line of Atlantic Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Barbey Street;
  - b. a line 100 feet southeasterly of Atlantic Avenue, Cleveland Street, a line 100 feet northerly of Liberty Avenue, and Ashford Street; and
  - c. a line 100 feet southeasterly of Atlantic Avenue, Shepherd Avenue, a line perpendicular to the easterly street line of Shepherd Avenue distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Shepherd Avenue and the southeasterly street line of Atlantic Avenue, a line midway between Shepherd Avenue and Berriman Street, a line perpendicular to the westerly street line of Berriman Street distant 165 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Berriman Street and the southeasterly street line of Atlantic Avenue, Berriman Street, a line 300 feet southeasterly of Atlantic Avenue, and Essex Street;
20. changing from an M1-2 District to an R6B District property bounded by a line midway between Fulton Street and Herkimer Street, a line 300 feet easterly of Sackman Street, Herkimer Street, Havens Place, a line 150 feet southerly of Herkimer Street, a line midway between Havens Place and Jardine Place, a line 80 feet southerly of Herkimer Street, a line midway between Sackman Street and Sherlock Place, Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
21. hanging from an R5 District to an R7A District property bounded by:
- a. Liberty Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet southerly of Glenmore Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue-Industrial Park, and
- a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue;

- b. a line 100 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, a line midway between Berriman Street and Shepherd Avenue, a line 100 feet southerly of Pitkin Avenue, Schenck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, and a line midway between Hendrix Street and Van Siclén Avenue;
  - c. a line 100 feet northerly of Pitkin Avenue, Doscher Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, and Berriman Street;
  - d. Conduit Boulevard, Crescent Street, Glenmore Avenue, Pine Street, a line 100 feet northerly of Glenmore Avenue, a line 120 feet easterly of Euclid Avenue, Glenmore Avenue, a line midway between Pine Street and Euclid Avenue, a line 100 feet northerly of Pitkin Avenue, and Euclid Avenue;
  - e. a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, and Pine Street;
  - f. a line 100 feet southeasterly of Atlantic Avenue, a line 100 feet westerly of Autumn Avenue, and a line 125 feet northerly of Glen Street; and
  - g. a line 100 feet southeasterly of Atlantic Avenue, Autumn Avenue, and a line perpendicular to the westerly street line of Autumn Avenue distant 115 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Autumn Avenue and the southeasterly street line of Atlantic Avenue;
22. changing from an R6 District to an R7A District property bounded by a line 100 feet northerly of Pitkin Avenue, Bradford Street, a line 200 feet northerly of Pitkin Avenue, Van Siclén Avenue, a line 100 feet northerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclén Avenue, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, and New Jersey Avenue;
23. changing from a C8-1 District to an R7A District property bounded by:
- a. the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), the southerly prolongation of a line 100 feet westerly of Pine Street, Atlantic Avenue, Autumn Avenue, a line 100 feet southeasterly of Atlantic Avenue, a line 125 feet northerly of Glen Street, Crescent Street, a line perpendicular to the westerly street line of Crescent Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Crescent Street and the southeasterly street line of Atlantic Avenue, a line 100 feet westerly of Crescent Street, a line 70 feet northerly of Glen Street, and Euclid Avenue; and

- b. a line 100 feet northwesterly of Atlantic Avenue, Lincoln Avenue, Atlantic Avenue, and Autumn Avenue;
24. changing from a C8-2 District to an R7A District property bounded by:
- a. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue- Granville Payne Avenue and the southerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Liberty Avenue, a line 50 feet westerly of New Jersey Avenue, Liberty Avenue, and a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue;
  - b. a line 100 feet southerly of Glenmore Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 250 feet northerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue;
  - c. a line 100 feet southerly of Pitkin Avenue, a line midway between former New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, Belmont Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and
  - d. a line perpendicular to the easterly street line of Euclid Avenue distant 210 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Euclid Avenue and the northwesterly street line of Atlantic Avenue, a line 100 feet westerly of Pine Street, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), and Euclid Avenue;
25. changing from an M1-1 District to an R7A District property bounded by:
- a. a line 100 feet northerly of Bergen Street, a line 100 feet northwesterly of East New York Avenue, Dean Street, East New York Avenue, and Mother Gaston Boulevard; and
  - b. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue- Granville Payne Avenue and the southerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Pitkin Avenue-Industrial Park, and Sheffield Avenue;

26. changing from an M1-2 District to an R7A District property bounded by Pacific Street, East New York Avenue, Dean Street, and Sackman Street;
27. changing from an M1-4 District to an R7A District property bounded by East New York Avenue, Christopher Avenue, Liberty Avenue, and Mother Gaston Boulevard;
28. changing from an M1-1 District to an R7D District property bounded by Somers Street, Sackman Street, Fulton Street, and Mother Gaston Boulevard;
29. changing from an R5 District to an R8A District property bounded by:
  - a. a line 100 feet northerly of Atlantic Avenue, Van Siclen Avenue, a line 275 feet southerly of Fulton Street, Hendrix Street, Atlantic Avenue, and Bradford Street;
  - b. a line perpendicular to the westerly street line of Essex Street distant 110 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Essex Street and the northwesterly street line of Atlantic Avenue, a line 100 feet northwesterly of Atlantic Avenue, and Linwood Street; and
  - c. Atlantic Avenue, Montauk Avenue, a line 100 feet southerly of Atlantic Avenue, and Berriman Street;
30. changing from a C8-2 District to an R8A District property bounded by:
  - a. Atlantic Avenue, Hendrix Street, a line 100 feet northwesterly of Atlantic Avenue, Jerome Street, Atlantic Avenue, Cleveland Street, a line 100 feet southeasterly of Atlantic Avenue, Jerome Street. a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Jerome Street and the southeasterly street line of Atlantic Avenue, Barbey Street, Atlantic Avenue, Schenck Avenue, a line 100 feet southerly of Atlantic Avenue, and Bradford Street;
  - b. a line 100 feet northwesterly of Atlantic Avenue, Essex Street, Atlantic Avenue, Essex Street, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, and Elton Street; and
  - c. a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet easterly of Hale Street, Atlantic Avenue, and Shepherd Avenue;

31. changing from an M1-1 District to an R8A District property bounded by:
- a. a line 100 feet northwesterly of Atlantic Avenue, Elton Street, Atlantic Avenue, and Jerome Street; and
  - b. Atlantic Avenue, Essex Street, a line 100 feet northwesterly of Atlantic Avenue, Shepherd Avenue, Atlantic Avenue, Berriman Street, a line perpendicular to the westerly street line of Berriman Street distant 165 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Berriman Street and the southeasterly street line of Atlantic Avenue, a line midway between  
  
Berriman Street and Shepherd Avenue, a line perpendicular to the easterly street line of Shepherd Avenue distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Shepherd Avenue and the southeasterly street line of Atlantic Avenue, Shepherd Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Essex Street;
32. changing from an R5 District to a C4-4D District property bounded by:
- a. a line 200 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 100 feet northerly of Pitkin Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue;
  - b. a line perpendicular to the westerly street line of Norwood Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, Norwood Avenue, a line 100 feet northwesterly of Atlantic Avenue, and a line 100 feet easterly of Hale Avenue; and
  - c. a line 100 feet northerly of Pitkin Avenue, Pine Street, a line 100 feet southerly of Pitkin Avenue, and Doscher Street;
33. changing from a C8-2 District to a C4-4D District property bounded by:
- a. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the easterly street line of Pennsylvania Avenue-Granville Payne Avenue distant 155 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, a line midway

between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between Vermont Street and New Jersey Avenue, a line 100 feet northerly of Atlantic Avenue, Bradford Street, a line 100 feet southerly of Atlantic Avenue, Wyona Street, Atlantic Avenue, Vermont Street, a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Atlantic Avenue, and Sheffield Avenue;

- b. a line 250 feet northerly of Pitkin Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet norther of Pitkin Avenue, New Jersey Avenue, Pitkin Avenue, the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and
  - c. a line 100 feet northwesterly of Atlantic Avenue, Norwood Avenue, Atlantic Avenue, and a line 100 feet easterly of Hale Avenue;
34. changing from an M1-1 District to a C4-4D District property bounded by:
- a. Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, and Sheffield Avenue; and
  - b. Atlantic Avenue, Norwood Avenue, a line perpendicular to the easterly street line of Norwood Avenue distant 250 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, a line midway between Logan Street and Norwood Avenue, a line perpendicular to the westerly street line of Logan Street distant 265 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Logan Street and the northwesterly street line of Atlantic Avenue, Logan Street, Atlantic Avenue, Fountain Avenue, a line perpendicular to the easterly street line of Logan

Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Logan Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, and Montauk Avenue;

35. changing from an R5 District to a C4-4L District property bounded by a line 100 feet northerly of Fulton Street, Bradford Street, a line 100 feet southerly of Fulton Street, and Wyona Street;
36. changing from a C8-2 District to a C4-4L District property bounded by Jamaica Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Fulton Street, Wyona Street, New Jersey Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the easterly street line of Pennsylvania Avenue-Granville Payne Avenue distant 155 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, and Sheffield Avenue;
37. changing from an M1-1 District to a C4-4L District property bounded by Eastern Parkway Extension, Broadway, Van Sinderen Avenue, Fulton Street, Sackman Street, Truxton Street, a line 225 feet easterly of Sackman Street, a line midway between Somers Street and Truxton Street, a line 280 feet easterly of Sackman Street, and Somers Street;
38. changing from an M1-2 District to a C4-5D District property bounded by Fulton Street, Van Sinderen Avenue, East New York Avenue, Pacific Avenue, Sackman Street, Atlantic Avenue, a line midway between Jardine Place and Sackman Street, a line 80 feet northerly of Atlantic Avenue, a line midway between Havens Place and Jardine Place, a line 150 feet southerly of Herkimer Street, Havens Place, Herkimer Street, and a line 300 feet easterly of Sackman Street;

39. changing from an R5 District to an M1-4/R6A District property bounded by:
- a. Liberty Avenue, New Jersey Avenue, a line 100 feet southerly of Liberty Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue; and
  - b. a line 100 feet southerly of Liberty Avenue, Bradford Street, a line 150 feet southerly of Liberty Avenue, a line midway between Bradford Street and Wyona Street, and Wyona Street;
40. changing from a C8-2 District to an M1-4/R6A District property bounded by:
- a. a line 100 feet northerly of Liberty Avenue, Vermont Street, Liberty Avenue, and a line 50 feet westerly of New Jersey Avenue; and
  - b. a line 100 feet southerly of Atlantic Avenue, Wyona Street, a line 100 feet northerly of Liberty Avenue, and Vermont Street;
41. changing from an M1-1 District to an M1-4/R6A District property bounded by Liberty Avenue, Vermont Street, a line 100 feet northerly of Liberty Avenue, Schinck Avenue, a line 230 feet northerly of Liberty Avenue, Barbey Street, a line 100 feet southerly of Liberty Street, and New Jersey Avenue;
42. changing from an M1-1 District to an M1-4/R7A District property bounded by a line 100 feet southeasterly of Fulton Street, Chestnut Street, Dinsmore Place, Richmond Street, a line 125 feet northerly of Dinsmore Place, and a line 100 feet easterly of Richmond Street;
43. changing from an M1-2 District to an M1-4/R7D District property bounded by Fulton Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
44. changing from a C8-2 District to an M1-4/R8A District property bounded by Atlantic Avenue, Wyona Street, a line 100 feet southerly of Atlantic Avenue, and Vermont Street;
45. changing from an M1-1 District to an M1-4/R8A District property bounded by:
- a. Atlantic Avenue, Barbey Street, a line 230 feet northerly of Liberty Avenue, and Schenck Avenue; and
  - b. Dinsmore Place, Chestnut Street, Fulton Street, Euclid Avenue, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), the northerly centerline prolongation of Fountain Avenue, Atlantic Avenue, and Logan Street;

46. establishing within a proposed R5 District a C2-4 District bounded by:
- a. Atlantic Avenue, an easterly boundary line of a playground (Sperandio Bros. Playground) and its northerly prolongation, a line 100 feet southeasterly of Atlantic Avenue, and Cleveland Street;
  - b. a line 50 feet northwesterly of Atlantic Avenue, Autumn Avenue, Atlantic Avenue, and a line 100 feet southwesterly of Pine Street; and
  - c. Atlantic Avenue, Lincoln Street, a line 50 feet southeasterly of Atlantic Avenue and Autumn Avenue;
47. establishing within a proposed R5B District a C2-4 District bounded by:
- a. Glenmore Avenue, Pine Street, a line 100 feet southerly of Glenmore Avenue, and a line midway between Pine Street and Euclid Avenue; and
  - b. Liberty Avenue, Atkins Avenue, a line 100 feet southerly of Liberty Avenue, and Berriman Street;
48. establishing within a proposed R6A District a C2-4 District bounded by:
- a. a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue- Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton Street, and Bradford Street; and
  - b. a line 100 feet northerly of Liberty Avenue, Jerome Street, Liberty Avenue, Warwick Street, a line 100 feet northerly of Liberty Avenue, Cleveland Street, Liberty Avenue, Linwood Street, a line 100 feet northerly of Liberty Avenue, Conduit Boulevard, Euclid Avenue, a line 100 feet southerly of Liberty Avenue, Atkins Avenue, Liberty Avenue, Berriman Street, a line 100 feet southerly of Liberty Avenue, and Barbey Street;
49. establishing within a proposed R7A District a C2-4 District bounded by:
- a. a line 100 feet northerly of Bergen Street, a line 100 feet northwesterly of East New York Avenue, Dean Street Sackman Street, a line 100 feet northerly of Dean Street, a line 100 feet northwesterly of East New York Avenue, Pacific Street, East New York Avenue, Christopher Avenue, a line 100 feet southeasterly of East

New York Avenue, Mother Gaston Boulevard, East New York Avenue, Bergen Street, and Mother Gaston Boulevard;

- b. a line 100 feet northerly of Liberty Avenue, Christopher Avenue, Liberty Avenue, and Mother Gaston Boulevard;
- c. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue- Granville Payne Avenue and the southerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Liberty Avenue, a line 100 feet easterly of Pennsylvania Avenue-Granville Payne Avenue, a line 250 feet northerly of Pitkin Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue, and a line 100 feet westerly of Pennsylvania Avenue- Granville Payne Avenue;
- d. a line 100 feet southerly of Pitkin Avenue, a line midway between former New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, Belmont Avenue, and Pennsylvania Avenue-Granville Payne Avenue;
- e. a line 100 feet northerly of Pitkin Avenue, Bradford Street, Pitkin Avenue, Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, a line midway between Shepherd Avenue and Berriman Street, a line 100 feet southerly of Pitkin Avenue, Scheck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, and New Jersey Avenue;
- f. a line 100 feet northerly of Pitkin Avenue, Doscher Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, and Berriman Street;
- g. Conduit Boulevard, Pine Street, a line 100 feet of Glenmore Avenue, and Euclid Avenue;
- h. Glenmore Avenue, a line midway between Euclid Avenue and Pine Street, a line 100 feet northerly of Pitkin Avenue, and Euclid Avenue;
- i. a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, and Pine Street;
- j. a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet southwesterly of Pine Street, Atlantic Avenue, Autumn Avenue, a line perpendicular to the westerly street line of Autumn Avenue distant 115 feet southerly (as measured along the street line) from the point of intersection of the westerly street

line of Autumn Avenue and the southeasterly street line of Atlantic Avenue, a line 100 feet westerly of Autumn Avenue, a line 125 feet northerly of Glen Street, Crescent Street, a line 100 feet southeasterly of Atlantic Avenue, a line 70 feet northerly of Glen Street, and Euclid Avenue; and

- k. a line 100 feet northwesterly of Atlantic Avenue, Lincoln Street, Atlantic Avenue, and Autumn Avenue;
50. establishing within a proposed R7D District a C2-4 District Somers Street, a line 100 feet easterly of Mother Gaston Boulevard, Eastern Parkway Extension, Fulton Street, and Mother Gaston Boulevard;
51. establishing within a proposed R8A District a C2-4 District bounded by a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet easterly of Hale Avenue, Atlantic Avenue, Montauk Avenue, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, Cleveland Street, a line 100 feet southeasterly of Atlantic Avenue, Jerome Street, a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly Street line of Jerome Street and the southeasterly street line of Atlantic Avenue, Barbey Street, Atlantic Avenue, Schenck Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Bradford Street;
52. establishing a Special Mixed Use District (MX-16) bounded by:
- a. Fulton Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
  - b. Atlantic Avenue, Wyona Street, a line 100 feet northerly of Liberty Avenue, Schenck Avenue, Atlantic Avenue, Barbey Street, a line 100 feet southerly of Liberty Avenue, Bradford Street, a line 150 feet southerly of Liberty Avenue, a line midway between Bradford Street and Wyona Street, a line 200 feet southerly of Liberty Avenue, Wyona Street, a line 100 feet southerly of Liberty Avenue, a line 100 feet easterly of Pennsylvania Avenue- Granville Payne Avenue, Liberty Avenue, a line 50 feet westerly of New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, and Vermont Street; and
  - c. Dinsmore Place, Richmond Street, a line 125 feet northerly of Dinsmore Place, a line 100 feet easterly of Richmond Street, a line 100 feet southeasterly of Fulton Street, Chestnut Street, Fulton Street, Euclid Avenue, Atlantic Avenue, and Logan Street;
53. establishing a Special Enhanced Commercial District (EC-5) bounded by:

- a. Fulton Street, Van Sinderen Avenue, Herkimer Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
- b. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue- Granville Payne Avenue and the northerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, a line 100 feet southerly of Fulton Street, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between Vermont Street and New Jersey Avenue, a line 100 feet northerly of Atlantic Avenue, a line 100 feet northwesterly of Atlantic Avenue, Euclid Avenue, Atlantic Avenue, Fountain Avenue, a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Logan Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, Montauk Avenue, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, Cleveland Street, a line 100 feet southeasterly of Atlantic Avenue, Vermont Street, a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, and Sheffield Avenue; and
- c. a line 250 feet northerly of Pitkin Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 200 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 100 feet northerly of Pitkin Avenue, Bradford Street, Pitkin Avenue, a line 100 feet northerly of

Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, a line midway between Berriman Street and Shepherd Avenue, a line 100 feet southerly of Pitkin Avenue, Schenck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and

- 54. establishing a Special Enhanced Commercial District (EC-6) bounded by a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Place, Euclid Avenue, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton Street, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Fulton Street, and Sheffield Avenue; Borough of Brooklyn, Community Districts 5 and 16, as shown on a diagram (for illustrative purposes only) dated September 21, 2015.

(On December 16, 2015, Cal. No. 3, the Commission scheduled January 6, 2016 for a public hearing which has been duly advertised.)

**Close the hearing.**



**No. 19**

**CD 5 & 16**

**N 160036 ZRK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York to create a Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable.

Matter in underline is new, to be added;

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

Matter within ## is defined in Sections 12-10 and 23-91;

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

[NOTE: Cross-references to Sections and Section titles may reflect the proposed text amendment, Zoning for Quality and Affordability (ZQA – ULURP No. N 160049 ZRY). Section 23-154, paragraphs (a) through (c), are provided for information purposes and are part of ZQA. Section 23-154, paragraph (d) is proposed in this MIH Zoning Text Amendment.]

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 2  
Construction of Language and Definitions**

\* \* \*

**12-10  
DEFINITIONS**

\* \* \*

**Incidental alteration – see Alteration, incidental**

**Inclusionary Housing area, Mandatory – see Mandatory Inclusionary Housing area**

**Inclusionary Housing designated area**

An “Inclusionary Housing designated area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of ~~such~~ #Inclusionary Housing designated areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

\* \* \*

**Lower density growth management area**

\* \* \*

In the Borough of the Bronx, in Community District 10, #lower density growth management areas# shall also include any R6, R7, C1 or C2 Districts for the purposes of applying the parking provisions of Article II, Chapter 5, and Article III, Chapter 6.

**Mandatory Inclusionary Housing area**

A “Mandatory Inclusionary Housing area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of #Mandatory Inclusionary Housing areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

**Manhattan Core**

The “Manhattan Core” is the area within Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8.

\* \* \*

**23-154**

**Inclusionary Housing**

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on (date of adoption) shall be as set forth in paragraph (b) of this Section. Special provisions for certain areas are set forth in paragraph (c) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Section 12-10 and Section 23-911.

- (a) R10 Districts outside of #Inclusionary Housing designated areas#

The #residential floor area ratio# of a #compensated zoning lot# may be increased from a base #floor area ratio# of 10.0 to a maximum #floor area ratio# of 12.0 at the rate set forth in this Section, if such #compensated zoning lot# provides #affordable housing# that is restricted to #low income floor area#.

For each square foot of #floor area# provided for a type of #affordable housing# listed in the table in this Section, the #floor area# of the #compensated zoning lot# may be increased by the number of square feet set forth in the table of this paragraph (a), as applicable. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

<u>Without #public funding#</u>	<u>#New construction affordable housing# or #substantial rehabilitation affordable housing#</u>	<u>3.5</u>
	<u>#Preservation affordable housing#</u>	<u>2.0</u>
<u>With #public funding#</u>	<u>#New construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#</u>	<u>1.25</u>

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, 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, up to the maximum #floor area ratio# specified in the table of this paragraph (b), as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

<u>District</u>	<u>Base #floor area ratio#</u>	<u>Maximum #floor area ratio#</u>
<u>R6B</u>	<u>2.00</u>	<u>2.20</u>
<u>R6<sup>1</sup></u>	<u>2.20</u>	<u>2.42</u>
<u>R6<sup>2</sup> R6A R7-2<sup>1</sup></u>	<u>2.70</u>	<u>3.60</u>
<u>R7A R7-2<sup>2</sup></u>	<u>3.45</u>	<u>4.60</u>
<u>R7-3</u>	<u>3.75</u>	<u>5.0</u>
<u>R7D</u>	<u>4.20</u>	<u>5.60</u>
<u>R7X</u>	<u>3.75</u>	<u>5.00</u>
<u>R8</u>	<u>5.40</u>	<u>7.20</u>
<u>R9</u>	<u>6.00</u>	<u>8.00</u>
<u>R9A</u>	<u>6.50</u>	<u>8.50</u>
<u>R9D</u>	<u>7.5</u>	<u>10.0</u>
<u>R9X</u>	<u>7.3</u>	<u>9.70</u>
<u>R10</u>	<u>9.00</u>	<u>12.00</u>

---  
1 for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

2 for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(c) Special provisions for certain areas

(1) Optional provisions for #large-scale general developments# in C4-6 or C5 Districts Within a #large-scale general development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (c)(1) inclusive, modify the provisions of paragraph (b) of this Section:

(i) The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot

of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to paragraph (b) of this Section;

- (ii) However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (c)(1)(ii). If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income households# and #low income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (c)(1), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

- (2) Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens

Special provisions shall apply to #zoning lots# within a #large-scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

- (i) For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in paragraph (b) of this Section shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low-income floor area# provided shall equal no less than 10 percent of the #floor area# on such

#zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate-income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (c)(2)(i), inclusive, #low income floor area# may be considered #moderate income floor area#; and

- (ii) The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2)(i) of this Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743 (Special provisions for bulk modification).

(3) Special provisions for #compensated zoning lots#

Special provisions shall apply to #compensated zoning lots# located within:

- (i) R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or
- (ii) the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

(d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

- (1) Except where permitted by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements), or as provided in paragraph (d)(4) of this Section 23-154, no #residential development#, #enlargement#, or #conversion# from non-

#residential# to #residential use# shall be permitted unless #affordable housing#, as defined in Section 23-911(General definitions) is provided or a contribution is made to the #affordable housing fund#, as defined in Section 23-911, pursuant to the provisions set forth in paragraph (d)(3)(i) through (d)(3)(iv) of this Section, inclusive.

- (2) The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that complies with the requirements set forth in paragraph (d)(3) of this Section. However, in an R7-3 or R7X district, the maximum #floor area ratio# shall be 6.0.

In addition, in R6, R7-1, R7-2, R8 and R9 Districts without a letter suffix, where the basic height and setback requirements are utilized pursuant to paragraph (c) of Section 23-952, the maximum #floor area ratio# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

- (3) Options for compliance with the special #floor area# requirements of paragraph (d) of this Section are set forth in the following paragraphs (d)(3)(i) through (d)(3)(iv). Options 1 and 2 may be applied in #Mandatory Inclusionary Housing areas# singly or in combination. The Workforce Option shall be applied in #Mandatory Inclusionary Housing areas# only in combination with Options 1 or 2. #Income band#, #affordable floor area#, #affordable housing unit# and #guidelines# are as defined in Section 23-911. When a #building# containing #residences# is #enlarged#, the following shall be considered part of the #enlargement# for the purposes of this paragraph (d)(3), inclusive: #residential floor area# that is reconstructed, or #residential floor area# that is located within a #dwelling unit# where the layout has been changed.

- (i) In #Mandatory Inclusionary Housing areas# where Option 1 applies, as set forth in Appendix F, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 25 percent of the #residential floor area# within such #development#, #enlargement#, or #conversion# from non-#residential# to #residential use#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 60 percent of the #income index#, and no #income band# shall exceed 130 percent of the #income index#.

- (ii) In #Mandatory Inclusionary Housing areas# where Option 2 applies, as set

forth in Appendix F, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential floor area# within such #development#, #enlargement#, or #conversion# from non-#residential# to #residential use#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 80 percent of the #income index#, and no #income band# shall exceed 130 percent of the #income index#.

- (iii) In #Mandatory Inclusionary housing areas# where the Workforce Option applies, as set forth in Appendix F, as an alternative to Option 1 or Option 2, an amount of #affordable floor area# may be provided for #qualifying households# that is equal to at least 30 percent of the #residential floor area# within such #development#, #enlargement#, or #conversion# from non-#residential# to #residential use#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 120 percent of the #income index#, and no #income band# shall exceed 130 percent of the #income index#. Such #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# may not utilize #public funding# except where #HPD# determines that such #public funding# is necessary to support #affordable housing# other than #affordable floor area# satisfying the requirements of this Section. However, the Workforce Option shall not be permitted to be utilized for any #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# within the #Manhattan Core#.

A #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that increases the number of #dwelling units# by no more than 25, and increases #residential floor area# on the #zoning lot# by less than 25,000 square feet, may satisfy the requirements of this Section by making a contribution to the #affordable housing fund#. The amount of such contribution shall be related to the cost of constructing an equivalent amount of #affordable floor area#, as set forth in the #guidelines#.

- (4) The requirements of this Section shall not apply to:
- (i) A single #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# of not more than 10 #dwelling units# and not more than 12,500 square feet of #residential floor area# on a #zoning lot# that existed on the date of establishment of the applicable #Mandatory Inclusionary

Housing area#; or

- (ii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# containing no #residences# other than #affordable independent residences for seniors#.

\* \* \*

## **23-90**

### **INCLUSIONARY HOUSING**

## **23-91**

### **Definitions**

For the purposes of this Section, inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

## **23-911**

### **General definitions**

The following definitions shall apply throughout Section 23-90 (INCLUSIONARY HOUSING), inclusive:

### **Administering agent**

An “administering agent” is the entity responsible for ensuring, pursuant to a #regulatory agreement#, that:

- (a) each subject rental #affordable housing unit# is rented in compliance with such #regulatory agreement# at #rent-up# and upon each subsequent vacancy; or
- (b) each subject #homeownership affordable housing unit# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.

### Affordable floor area

- (a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site# or #MIH site#, other than any #super's unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# or #MIH site# is “affordable floor area.”
- (b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #generating site# is the sum of:
- (1) all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site#; plus
  - (2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super's unit#, that are not #affordable housing units#.
- (c) Where one or more of the #dwelling units# or #rooming units# in an #MIH site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #MIH site# is the sum of:
- (1) all of the #residential floor area# of the #affordable housing units# in such #MIH site#; plus
  - (2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #MIH site# by a fraction, the numerator of which is all of the #residential floor area# of the #affordable housing units# in such #MIH site# and the denominator of which is the sum of the #residential floor area# of the #affordable housing units# in such #MIH site# plus the #residential floor area# of the #dwelling units# or #rooming units# in such #MIH site#, other than any #super's unit#, that are not #affordable housing units#.

## **Affordable housing**

“Affordable housing” consists of:

- (a) #affordable housing units#; and
- (b) #eligible common areas#.

## **Affordable housing fund**

In a #Mandatory Inclusionary Housing area#, the “affordable housing fund” is a fund administered by #HPD#, all contributions to which shall be used for development, acquisition, rehabilitation, or preservation of affordable housing, or other affordable housing purposes as set forth in the #guidelines#. Each contribution into such fund shall be reserved, for a minimum period of time as set forth in the #guidelines#, for use in the same Community District in which the #MIH development# making such contribution is located, or within a half-mile of such #MIH development# in an adjacent Community District. Further provisions for the use of such funds may be set forth in the #guidelines#.

## **Affordable housing plan**

An “affordable housing plan” is a plan approved by #HPD# to #develop#, rehabilitate or preserve rental or #homeownership affordable housing# on a #generating site#, pursuant to the provisions of Section 23-90, inclusive.

## **Affordable housing unit**

An “affordable housing unit” is:

- (a) a #dwelling unit#, other than a #super’s unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:
  - (1) #low income households#;
  - (2) where permitted by paragraph (c) of Section 23-154 (Inclusionary Housing) 23-953 (Special floor area compensation provisions in specified areas), either #low

income households# or a combination of #low income households# and #moderate income households# or #middle income households#; ~~or~~

- (3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable; or
  - (4) in #Mandatory Inclusionary Housing areas#, #qualifying households#;
- (b) a #rooming unit#, other than a #super’s unit#, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by #low income households#; or
  - (c) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 23-913, pursuant to a #regulatory agreement#, must be #dwelling units#.

### **Capital element**

“Capital elements” are, with respect to any #generating site# or #MIH site#, the electrical, plumbing, heating and ventilation systems in such #generating site#, any air conditioning system in such #generating site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #generating site# and any other portions of such #generating site# or #MIH site# specified in the #guidelines#.

### **Compensated development**

In areas other than #Mandatory Inclusionary Housing areas#, A-a “compensated development” is a #development#, an #enlargement# of more than 50 percent of the #floor area# of an existing #building# or, where permitted by the provisions of Section 98-262, a #conversion# of a #building#, or portion thereof, from non-#residential use# to #dwelling units#, that is located within a #compensated zoning lot#.

### **Compensated zoning lot**

A “compensated zoning lot” is a #zoning lot# not located in a #Mandatory Inclusionary Housing area# that contains a #compensated development# and receives an increased #floor

area ratio#, pursuant to the provisions of Section 23-154 (Inclusionary Housing) and Section 23-90, inclusive.

### **Completion notice**

A “completion notice” is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #generating site# or #MIH site# is complete and stating the #affordable floor area# of such #affordable housing#.

### **Eligible common area**

In a #generating site#, “~~Eligible~~ eligible common area” includes any #residential floor area# that is located within the perimeter walls of a #super’s unit#, and also includes any #residential floor area# in such #generating site# that is not located within the perimeter walls of any other #dwelling unit# or #rooming unit#, except any #residential floor area# for which a user fee is charged to residents of #affordable housing units#.

In an #MIH site#, an #eligible common area# includes any #residential floor area# that is located within a #super’s unit#, and any #residential floor area# in such #MIH site# that is not located within any other #dwelling unit# or #rooming unit#, but shall not include any #residential floor area# for which a user fee is charged to residents of #affordable housing units#.

### **Floor area compensation**

“Floor area compensation” is any additional #residential floor area# permitted in a #compensated development#, pursuant to the provisions of Section 23-154 (Inclusionary Housing) and Section 23-90, inclusive.

### **Generating site**

A “generating site” is a #building# or #building segment# containing either #residential affordable floor area# or a #supportive housing project#, which generates #floor area compensation#. Non- #residential floor area# on a #generating site#, other than a #supportive housing project#, may not generate #floor area compensation#.

A #generating site# may also be an #MIH site#, provided that no #floor area# that satisfies the requirements of paragraphs (d)(3)(i) through (d)(3)(iii) of Section 23-154 (Inclusionary Housing) may also generate #floor area compensation#.

## **Grandfathered tenant**

A “grandfathered tenant” is any #household# that:

- (a) occupied an #affordable housing unit# in #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and
- (b) has not been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#; or
- (c) in #homeownership preservation affordable housing# or #homeownership substantial rehabilitation affordable housing#, has been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

In #Mandatory Inclusionary Housing areas#, #grandfathered tenants# may include tenants of

#buildings# on an #MIH site# that have been or will be demolished, as set forth in the #guidelines#.

## **Guidelines**

The “guidelines” are the #guidelines# adopted by #HPD#, pursuant to paragraph (k) of Section 23-96 (Requirements for Generating Sites and MIH Sites).

## **Household**

Prior to #initial occupancy# of an #affordable housing unit#, a “household” is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After

#initial occupancy# of an #affordable housing unit#, a #household# is, collectively, all of the persons occupying such #affordable housing unit#.

## **HPD**

“HPD” is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

## **Income band**

An “income band” is a percentage of the #income index# that is the maximum income for a

#qualifying household# at #initial occupancy# of an #affordable housing unit#.

## **Income index**

The “income index” is 200 percent of the Very Low-Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for household size.

#HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

## **Initial occupancy**

“Initial occupancy” is:

- (a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant

#household#; or

- (b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, #initial occupancy# is the #regulatory agreement date#.

### **Low income floor area**

The “low income floor area” is the #affordable floor area# that is provided for #low income households# or, upon #resale# as defined in Section 23-913, #eligible buyers#.

### **Low income household**

A “low income household” is a #household# having an income less than or equal to the #low income limit# at #initial occupancy#, except that, with regard to #low income floor area# within #preservation affordable housing# or #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #low income household#.

### **Low income limit**

The “low income limit” is 80 percent of the #income index#.

### **Middle income floor area**

The “middle income floor area” is the #affordable floor area# that is provided for #middle income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

### **Middle income household**

A “middle income household” is a #household# having an income greater than the #moderate income limit# and less than or equal to the #middle income limit# at #initial occupancy#, except that, with regard to #middle income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #middle income household#.

### **Middle income limit**

The “middle income limit” is 175 percent of the #income index#.

### **MIH application**

An “MIH application” is an application submitted to #HPD# that specifies how #affordable housing# will be provided on an #MIH site#, in compliance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

### **MIH development**

In #Mandatory Inclusionary Housing areas#, an “MIH development” is a #development#, #enlargement#, or #conversion# that complies with the provisions of paragraphs (d)(3)(i) through (d)(3)(iii) of Section 23-154 (Inclusionary Housing).

### **MIH site**

An “MIH site” is a #building# containing either #residential affordable floor area# or a #supportive housing project#, which satisfies the special #floor area# provisions for #zoning lots# in #MIH areas# in paragraphs (d)(3)(i) through (d)(3)(iii), as applicable, of Section 23-154 (Inclusionary Housing) for an #MIH development# in a #Mandatory Inclusionary Housing area#.

An #MIH site# may also be a #generating site#, provided that no #floor area# that satisfies the requirements of paragraphs (d)(3)(i) through (d)(3)(iii) of Section 23-154 may also generate #floor area compensation#.

### **MIH zoning lot**

An “MIH zoning lot” is a #zoning lot# that contains an #MIH development#.

### **Moderate income floor area**

The “moderate income floor area” is the #affordable floor area# that is provided for #moderate income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

### **Moderate income household**

A “moderate income household” is a #household# having an income greater than the #low income limit# and less than or equal to the #moderate income limit# at #initial occupancy#, except that, with regard to #moderate income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #moderate income household#.

### **Moderate income limit**

The “moderate income limit” is 125 percent of the #income index#.

### **New construction affordable housing**

“New construction affordable housing” is #affordable housing# that:

- (a) is located in a #building# or portion thereof that did not exist on a date which is 36 months prior to the #regulatory agreement date#;
- (b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #regulatory agreement date#; and
- (c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

### **Permit notice**

For #compensated developments#, ~~A~~ a “permit notice” is a notice from #HPD# to the Department of Buildings stating that building permits may be issued ~~to a #compensated development#~~ to utilize

#floor area compensation# from all or a portion of the #affordable floor area# on a #generating site#. Any #permit notice# shall:

- (a) state the amount of #low income floor area#, #moderate income floor area# or #middle income floor area# attributable to such #generating site#;
- (b) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area# or #middle income floor area# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#;
- (c) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area# or #middle income floor area# has utilized #public funding#; and
- (d) specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

For #MIH developments#, a #permit notice# is a notice from #HPD# to the Department of Buildings stating that building permits may be issued for any #development#, #enlargement# or #conversion# subject to the special #floor area# requirements of paragraph (d) of Section 23-154 (Inclusionary Housing). Such #permit notice# shall state the amount of #affordable floor area# provided on an #MIH site# or the amount of #floor area# for which a contribution to the #affordable housing fund# has been made.

### **Preservation affordable housing**

“Preservation affordable housing” is #affordable housing# that:

- (a) is a #generating site# that existed and was legally permitted to be occupied on the #regulatory agreement date#, except as permitted in the #guidelines#; and
- (b) complies with the provisions of Section 23-961, paragraph (e) (Special requirements for rental preservation affordable housing) or Section 23-962, paragraph (f.g.) (Special requirements for #homeownership preservation affordable housing#), as applicable.

### **Public funding**

“Public funding” is any grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. #Public funding# shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes pursuant to Section 420-a, Section 420-c, Section 421-a, Section 422, Section 488-a or Section 489 of the Real Property Tax Law, Article XI of the Private Housing Finance Law or such other programs of full or partial exemption from or abatement of real property taxation as may be specified in the #guidelines#.

### **Qualifying household**

In a #Mandatory Inclusionary Housing area#, a “qualifying household” is a #low income household#, #moderate income household#, or #middle income household# with an income not exceeding the applicable #income band# as specified in the special #floor area# provisions for

#zoning lots# in #MIH areas# in paragraph (d) of Section 23-154 (Inclusionary Housing).

### **Regulatory agreement**

A “regulatory agreement” is an agreement between #HPD# and the owner of the #affordable housing# or, for #MIH sites#, a restrictive declaration or other document as provided in the #guidelines#, that requires compliance with all applicable provisions of an #affordable housing plan# or #MIH application#, Section 23-90, inclusive, other applicable provisions of this Resolution, and the #guidelines#.

### **Regulatory agreement date**

The “regulatory agreement date” is, with respect to any #affordable housing#, the date of execution of the applicable #regulatory agreement#. If a #regulatory agreement# is amended at any time, the #regulatory agreement date# is the original date of execution of such #regulatory agreement#, without regard to the date of any amendment.

### **Regulatory period**

The “regulatory period” is, with respect to any #generating site#, the entire period of time during which any #floor area compensation# generated by the #affordable floor area# on such

#generating site# is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use in a #compensated development#.

With respect to any #MIH site#, the #regulatory period# is the entire period of time during which #affordable floor area# on such #MIH site# satisfies the requirements of the special #floor area# provisions for #zoning lots# in #MIH areas# in paragraph (d) of Section 23-154 (Inclusionary Housing) for an #MIH development#, is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use.

### **Substantial rehabilitation affordable housing**

“Substantial rehabilitation affordable housing” is #affordable housing# that:

- (a) is a #generating site# that existed on the #regulatory agreement date#; and
- (b) complies with the provisions of Section 23-961, paragraph (f) (Special requirements for rental #substantial rehabilitation affordable housing#), or Section 23-962, paragraph (g~~h~~) (Special requirements for #homeownership substantial rehabilitation affordable housing#), as applicable.

### **Super’s unit**

A “super’s unit” is, in any #generating site# or MIH site, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

## **23-912**

### **Definitions applying to rental affordable housing**

The following definitions shall apply to rental #affordable housing#:

### **Legal regulated rent**

A “legal regulated rent” is, with respect to any #affordable housing unit# subject to #rent stabilization#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 23-961 (Additional requirements for rental affordable housing).

### **Maximum monthly rent**

The “maximum monthly rent” is:

- (a) 30 percent of the #low income limit# for an #affordable housing unit# restricted to occupancy by #low income households#, divided by 12, minus the amount of any applicable #utility allowance#;
- (b) 30 percent of the #moderate income limit# for an #affordable housing unit# restricted to occupancy by #moderate income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (c) 30 percent of the #middle income limit# for an #affordable housing unit# restricted to occupancy by #middle income households#, divided by 12, minus the amount of any applicable #utility allowance#.

For #MIH sites#, the #maximum monthly rent# for an #affordable housing unit# restricted to occupancy by a #qualifying household# is 30 percent of the #income band# applicable to that unit, divided by 12, minus any applicable utility allowance.

### **Monthly rent**

The “monthly rent” is the monthly amount charged, pursuant to paragraph (b) of Section 23-961 (Additional requirements for rental affordable housing), to a tenant in an #affordable housing unit#.

### **Rent stabilization**

“Rent stabilization” is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, #rent stabilization# shall be defined as set forth in the #guidelines#.

## Rent-up

“Rent-up” is the first rental of vacant #affordable housing units# on or after the #regulatory agreement date#, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by

#grandfathered tenants# on the #regulatory agreement date#, #rent-up# shall have the same meaning as #regulatory agreement date#.

## Rent-up date

The “rent-up date” is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the #rent-up date# is the #regulatory agreement date#.

## Supportive housing project

A “supportive housing project” is a non-profit institution with sleeping accommodations, as specified in Section 22-13 (Use Group 3), where:

- (a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a regulatory agreement#;
- (b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is no #accessory#; and
- (c) such #generating site# is not a #compensated development#.

However, in a #Mandatory Inclusionary Housing area#, a #supportive housing project# is a #building# or a portion thereof that is a non-profit institution with sleeping accommodations, as specified in Section 22-13 (Use Group 3) restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#.

## Supportive housing unit

A “supportive housing unit” is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

### **Utility allowance**

A “utility allowance” is a monthly allowance set by #HPD# for the payment of utilities where the tenant of an #affordable housing unit# is required to pay all or a portion of the utility costs with respect to such #affordable housing unit# in addition to any payments of #monthly rent#.

## **23-913**

### **Definitions applying to homeownership affordable housing**

The following definitions shall apply to #homeownership affordable housing#, where #homeownership# is as defined in this Section:

#### **Appreciated price**

The “appreciated price” for any #homeownership affordable housing unit# is the product of the #sale# or #resale# price of such #homeownership affordable housing unit# on the previous #sale date# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

#### **Appreciation cap**

The “appreciation cap” is the #resale# price at which the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid by the #homeowner# would be equal to 30 percent of:

- (a) 125 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or
- (b) 175 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or
- (c) 200 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

For #MIH sites#, the multiple of the #income index# for #homeownership affordable housing units# occupied by #qualifying households# shall be as specified in the #guidelines#.

### **Appreciation index**

The “appreciation index” is 100 until August 1, 2010. On or after August 1, 2010, the #appreciation index# shall be a number greater than 100, representing the cumulative increase in #resale# price of a #homeownership affordable housing unit# permitted pursuant to the annual rates of increase established by #HPD#.

#HPD# shall set the annual rate of increase at the same rate as the percentage change in the Consumer Price Index for all urban consumers, as defined by the U.S. Bureau of Labor Statistics, for the 12 months ended on June 30 of that year, plus one percent per year, but the annual rate of increase shall be no less than one percent per year. #HPD# shall adjust the Consumer Price Index component of the #appreciation index# on August 1 of each calendar year, commencing on August 1, 2010, based on the percentage change in the Consumer Price Index for the 12 months ended on June 30 of that calendar year. For a fraction of a year, the components of the #appreciation index# shall be set as specified in the #guidelines#. #HPD# may adjust the methodology for calculating the #appreciation index# not more than once every two years in accordance with the #guidelines#.

### **Commencement date**

The “commencement date” is the date upon which #sales# for a percentage of #homeownership affordable housing units# in a #generating site# or #MIH site# set forth in the #guidelines# have been completed, except that, where one or more #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the #commencement date# is the #regulatory agreement date#.

### **Condominium association**

A “condominium association” is an organization of condominium #homeowners#, with a form of governance specified in the #guidelines#, that manages the common areas and #capital elements# of a #generating site# or #MIH site#.

### **Cooperative corporation**

A “cooperative corporation” is any corporation organized exclusively for the purpose of providing housing accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

### **Down payment**

The “down payment” is a payment that is not secured by any form of debt, made on or before the #sale date# by the #eligible buyer# approved by the #administering agent# to purchase a #homeownership affordable housing unit#.

### **Eligible buyer**

An “eligible buyer” is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall:

- (a) except in the case of #succession#:
  - (1) be, at the time of application for an initial #sale#, a #low income household#, #moderate income household#, ~~or~~ #middle income household# or #qualifying household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income. However, for a #household# that resided on a #generating site# or #MIH site# on the date of submission of an #affordable housing plan#, #HPD# may waive the requirement that housing costs be not less than 25 percent of such #household's# income;
  - (2) be, at the time of application for a #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, ~~or~~ #middle income household#, or #qualifying household#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income;
  - (3) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#. However, #HPD# may waive this requirement for a #household# that resided on a #generating site# or #MIH site# on the date of submission of an #affordable housing plan# to #HPD#; and

- (4) meet such additional eligibility requirements as may be specified in the #guidelines#.
- (b) in the case of #succession#:
- (1) be, at the time of application, a #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #imputed mortgage payments#, utilities and property taxes for the subject #homeownership affordable housing unit# is not less than 25 percent of such #household's# income; and
  - (2) meet such additional eligibility requirements as may be specified in the #guidelines#.

A #grandfathered tenant# is not an #eligible buyer# unless such #grandfathered tenant# has been certified by the #administering agent# to have an annual income at or below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #homeownership affordable housing unit# or, for #MIH sites#, meets such qualifications for eligibility specified in the #guidelines#.

### **Family member**

“Family member” shall have the meaning set forth in the #guidelines#.

### **Homeowner**

A “homeowner” is a person or persons who:

- (a) owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#; or
- (b) owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

### **Homeownership**

“Homeownership” is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a #cooperative corporation# pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized sublettor pursuant to the #guidelines#.

### **Imputed mortgage payment**

An “imputed mortgage payment” is the maximum #mortgage payment# at prevailing interest rates for a qualifying #mortgage# that could be paid to purchase a #homeownership affordable housing unit# at the #maximum resale price#, calculated in accordance with the #guidelines#.

### **Initial price**

The “initial price” is the price at which a #homeownership affordable housing unit# may be offered for #sale# for the first time, pursuant to a #regulatory agreement#.

### **Maximum resale price**

The “maximum resale price” for a #homeownership affordable housing unit# is the lesser of the #appreciated price# or the #appreciation cap# for such #homeownership affordable housing unit#.

### **Monthly fees**

The “monthly fees” are any payments charged to a #homeowner# by a #cooperative corporation# or #condominium association# to provide for the reimbursement of the applicable

#homeownership affordable housing unit’s# share of the expenses of such #cooperative corporation# or #condominium association#, as permitted by the #regulatory agreement#.

### **Mortgage**

A “mortgage” is a mortgage loan, or a loan to purchase shares in a #cooperative corporation#, that has been approved by the #administering agent# and that has a fixed rate of interest, a term

of at least 30 years at every #sale# and #resale#, a value not exceeding 90 percent of the #sale# price of such #homeownership affordable housing unit# at the time of the initial #sale# or 90 percent of the #maximum resale price# of such #homeownership affordable housing unit# at any time after the initial #sale#, and that is otherwise in compliance with the #guidelines#.

### **Mortgage payment**

The “mortgage payment” is any monthly repayment of principal and interest on a #mortgage#.

### **Resale**

A “resale” is any transfer of title to a condominium #homeownership affordable housing unit# after the first #sale# or any transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# after the first #sale#.

### **Sale**

A “sale” is the first transfer of title to a condominium #homeownership affordable housing unit# or the first transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# on or after the #regulatory agreement date#.

### **Sale date**

A “sale date” is the date of the #sale# or #resale# of any #homeownership affordable housing unit#. However, for #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# occupied by #grandfathered tenants# on the #regulatory agreement date#, the initial #sale date# shall be the #regulatory agreement date#.

### **Succession**

“Succession” is a #resale# from a #homeowner# to a #family member# of such #homeowner#.

**23-92****General Provisions**

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and to enhance neighborhood economic diversity and thus to promote the general welfare. The requirements of this program are set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of Section 23-90, inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

**23-93****Applicability****23-931****Lower income housing plans approved prior to July 29, 2009**

Any #lower income housing plan#, as defined by Section 23-93 prior to July 29, 2009, that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95, paragraph (e), as such Section existed prior to July 29, 2009, shall be governed solely by the regulations in effect prior to July 29, 2009, unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, Section 23-95~~53~~ (Additional requirements for compensated developments and MIH developments) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after July 29, 2009.

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 prior to July 29, 2009, provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to July 29, 2009, except as provided in this Section. Where such a #compensated development# is located in an R10 District outside of #Inclusionary Housing designated areas#, the provisions of ~~Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)~~ paragraph (a) of Section 23-154 (Inclusionary Housing) shall not apply, and Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas) as such Section existed prior to July 29, 2009, shall apply.

Any #lower income housing plan#, as such term was defined prior to July 29, 2009, that has been approved by #HPD# prior to such date, and any legal document related thereto, may be

modified by #HPD#, to apply the provisions of paragraph (b), (Monthly rent), of Section 23-961 to such #lower income housing plan#.

## 23-932

### **R10 districts**

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of paragraph (b) of Section 23-154 (Inclusionary Housing), and in all R10 districts located in #Mandatory Inclusionary Housing areas#, pursuant to the provisions of paragraph (d) of such Section. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of paragraph (a) of Section 23-154 ~~Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)~~, as applicable.

## 23-933

### **Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas**

The Inclusionary Housing Program shall apply in #Inclusionary Housing designated areas#, and

#Mandatory Inclusionary Housing areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# within the special purpose district.

The Inclusionary Housing Program shall also apply as a condition of City Planning Commission approval of special permits as set forth in Section 74-32 (Additional Considerations for Special Permit Use and Bulk Modifications), in Special Purpose Districts as set forth in Section 23-934 (Special permit approval in Special Purpose Districts), and in waterfront areas as set forth in Section 62-831 (General Provisions).

#Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, with the applicable income mix options for each #Mandatory Inclusionary Housing area#, are listed in APPENDIX F of this Resolution.

**23-934****Special permit approval in Special Purpose Districts**

Where a special purpose district includes a provision to grant modification of #use# or #bulk# by special permit of the City Planning Commission, and an application for such special permit would allow a significant increase in #residential floor area# where the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, or where the area affected by the special permit is eligible to receive transferred development rights pursuant to the Hudson River Park Act, as amended, the Commission may modify the requirements of such paragraph (d).

**23-94****Methods of Providing Affordable Housing**

- (a) Except in #Mandatory Inclusionary Housing areas#, #Affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#.

In #Mandatory Inclusionary Housing areas#, #affordable housing# shall be either #new construction affordable housing# or a #conversion# from non-#residential# to #residential use#. Such #conversions# shall comply with the requirements of Section 23-90, inclusive, applicable to #new construction affordable housing#.

- (b) When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether

such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.

- (c) The amount of #affordable floor area# in any #generating site# or #MIH site# shall be determined based upon plans for such #generating site# or #MIH site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential uses#. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the #guidelines#.
- (d) The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site#, and the amount of #qualifying floor area# for any income category in an #MIH site#, shall be determined in the same manner as the calculation of #affordable floor area#.
- (e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.
- (f) An #MIH site# that is part of an #MIH zoning lot# and contains no #dwelling units# other than #affordable housing units# shall be either a #building# that:
  - (1) shares a common #street# entrance with another #building# on the #zoning lot# that contains #dwelling units# other than #affordable housing units#; or
  - (2) is independent, from grade at the #street wall line# to the sky, of any other #building# on the #zoning lot# containing #dwelling units# other than #affordable housing units#. Such #building# shall have its primary entrance on a #street# frontage that has primary entrances for other #residential buildings#, except where #HPD# determines that the primary entrance is located in a manner that does not stigmatize occupants of #affordable housing units#.

## 23-95

### **Compensated Zoning Lots and MIH Zoning Lots**

The #residential floor area ratio# of a #compensated zoning lot# may be increased, and the #residential floor area ratio# of an #MIH zoning lot# shall be determined, in accordance with the applicable provisions of Section 23-154 (Inclusionary Housing).

**[THE FOLLOWING SECTIONS 23-951 THROUGH 23-953 HAVE BEEN MOVED TO PARAGRAPHS (a) THROUGH (c) OF SECTION 23-154]:**

**23-951**

**Floor area compensation in R10 Districts other than Inclusionary Housing designated areas**

The ~~#residential floor area ratio#~~ of a ~~#compensated zoning lot#~~ may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if such ~~#compensated zoning lot#~~ provides

~~#affordable housing#~~ that is restricted to ~~#low income floor area#~~.

For each square foot of ~~#floor area#~~ provided for a type of ~~#affordable housing#~~ listed in the table in this Section, the ~~#floor area#~~ of the ~~#compensated zoning lot#~~ may be increased by the number of square feet set forth in the table, as applicable. Any ~~#generating site#~~ for which ~~#public funding#~~ has been received within the 15 years preceding the ~~#regulatory agreement date#~~, or for which

~~#public funding#~~ is committed to be provided subsequent to such date, shall be deemed to be provided with ~~#public funding#~~.

OPTIONS

<del>Without #public funding#</del>	<del>#New construction affordable housing# or #substantial rehabilitation affordable housing#</del>	<del>3.5</del>
	<del>#Preservation affordable housing#</del>	<del>2.0</del>
<del>With #public funding#</del>	<del>#New construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#</del>	<del>1.25</del>

**23-952**

**Floor area compensation in Inclusionary Housing designated areas**

The provisions of this Section shall apply in ~~#Inclusionary Housing designated areas#~~ set forth in APPENDIX F of this Resolution.

The ~~#residential floor area#~~ of a ~~#zoning lot#~~ may not exceed the base ~~#floor area ratio#~~ set forth in the table in this Section, 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, up to the maximum ~~#floor area ratio#~~ specified in the table. However, the amount of ~~#low income floor area#~~ required to receive such ~~#floor area compensation#~~ need not exceed 20 percent of the total ~~#floor area#~~, exclusive of ground floor non-~~#residential floor area#~~, or any ~~#floor area#~~ increase for the provision of a ~~#FRESH food store#~~, on the ~~#compensated zoning lot#~~.

—————Maximum ~~#Residential Floor Area Ratio#~~

District	Base <del>#floor area ratio#</del>	Maximum <del>#floor area ratio#</del>
R6B	2.00	2.20
R6 <sup>1</sup>	2.20	2.42
R6 <sup>2</sup> R6A R7-2 <sup>1</sup>	2.70	3.60
R7A R7-2 <sup>2</sup>	3.45	4.60
R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

—  
-1————— for ~~#zoning lots#~~, or portions thereof, beyond 100 feet of a ~~#wide street#~~

~~2~~ for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

### ~~23-953~~

#### ~~Special floor area compensation provisions in specified areas~~

~~(a)~~ Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

~~—~~ Within a #large-scale general development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph, (a), inclusive, modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas):

~~(1)~~ The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952;

~~(2)~~ However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (a)(2). If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income households# and #low income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#.

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

~~(b)~~ Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens

~~Special provisions shall apply to #zoning lots# within a #large scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:~~

- ~~(1) For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in Section 23-952 shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (b)(1), inclusive, #low income floor area# may be considered #moderate income floor area#; and~~
- ~~(2) The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of this~~

~~Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743 (Special provisions for bulk modification).~~

(c) ~~Special provisions for #compensated zoning lots#~~

~~Special provisions shall apply to #compensated zoning lots# located within:~~

- ~~(1) R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or~~
- ~~(2) the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.~~

**23-954-23-951****Height and setback for compensated developments in Inclusionary Housing designated areas**

In #Inclusionary Housing designated areas#, the #compensated development# shall comply with the height and setback regulations of Sections 23-66 or 35-65 (Height and Setback Requirements for Quality Housing Buildings)~~23-633 (Street wall location and height and setback regulations in certain districts)~~ or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable, except that:

- (a) in #Special Mixed Use Districts#, the #compensated development# shall comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# shall comply with the height and setback regulations of Section 23-66 ~~Section 23-633~~, regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program;
- (b) in R10 Districts without a letter suffix, the #compensated development# shall comply with the underlying height and setback regulations for such district; and
- (c) on #waterfront blocks# and in R7-3 Districts, the #compensated development# shall comply with the special regulations applying in the #waterfront area# set forth in Section 62-30 (SPECIAL BULK REGULATIONS), inclusive.

**23-952****Height and setback in Mandatory Inclusionary Housing areas**

In #Mandatory Inclusionary Housing areas#, the provisions of Section 23-951 shall apply to #MIH developments#, except as modified in this Section.

- (a) In R6, R7 and R8 Districts without a letter suffix, the alternative height and setback regulations for certain #Quality Housing buildings# in non-contextual districts as set forth in paragraph (b) of Section 23-664 may apply to any #building# on a #zoning lot# located within an #MIH area#. Such #zoning lot# need not be located within 150 feet of: an open railroad right-of-way in active use; a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to abutting land; or an elevated #street# located on a bridge that prohibits direct vehicular access.

- (b) In R9 Districts without a letter suffix, the regulations of Section 23-651 (Tower-on-a-base) may apply, provided such #MIH development# is on a #zoning lot# that meets the requirements set forth in paragraph (a) of Section 23-65 (Tower Regulations).
- (c) In R6-R9 Districts without a letter suffix within #Mandatory Inclusionary Housing areas#, the height and setback regulations of Section 23-64 (Basic Height and Setback Regulations) may apply. In addition, for R9 districts that do not meet the requirements of paragraphs (a) and (c) of Section 23-65 (Tower Regulations), the tower provisions of Section 23-652 (Standard tower) may apply, subject to the #lot coverage# provisions of Section 23-65. However, when the height and setback and tower regulations specified in this paragraph are utilized, the maximum #floor area ratio# on an #MIH zoning lot# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

### **23-955-953**

#### **Additional requirements for compensated developments and MIH developments**

- (a) #Compensated development# or #MIH development# building permits
  - (1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation#, or an #MIH development#, based on the #affordable housing# described in such #permit notice#.
  - (2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of the #regulatory agreement date# or the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded or any applicable alternate procedure has been completed. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development# or #MIH development#.
- (b) #Compensated development# or #MIH development# certificates of occupancy

- (1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# or #MIH development# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation# or satisfies the requirements of paragraph (d) of Section 23-154 (Inclusionary Housing). However, where any #story# of a #compensated development# or #MIH development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.
- (2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# or #MIH site# unless:
  - (i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or
  - (ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

## 23-96

### Requirements for Generating Sites or MIH Sites

#Affordable housing# in a #generating site# or #MIH site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.

- (a) Location of #generating site# or #MIH site# and #compensated zoning lot# or #MIH zoning lot#

Where a #generating site# or #MIH site# is not located within the #compensated zoning lot# for which it generates #floor area compensation# or the #MIH zoning lot#, as applicable:

- (1) the #generating site# or #MIH site# and the #compensated zoning lot# or the #MIH zoning lot#, as applicable, shall be located within the same Community District; or
- (2) the #generating site# or #MIH site# and the #compensated zoning lot# or the #MIH zoning lot#, as applicable, shall be located in adjacent community districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#.

However, special rules for the location of a #generating site# and a #compensated zoning lot# apply in Community District 1, Borough of Brooklyn, where the provisions of paragraph (a)(2) of this Section shall apply only to adjacent community districts located in the Borough of Brooklyn; in the #Special Clinton District#, pursuant to the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area); in the #Special Downtown Jamaica District#, pursuant to the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, pursuant to the provisions of Section 125-22 (Newtown Creek Subdistrict).

(b) Distribution of #affordable housing units#

In #new construction affordable housing# or #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#:

- (1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #generating site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and
- (2) not more than one-third of the #dwelling units# and #rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not less than one-third of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#. However, on a

#residential story# with fewer than three #dwelling units# or #rooming units#, only one #dwelling unit# or #rooming unit# may be an #affordable housing unit#, unless not less than one #dwelling unit# or #rooming unit# on each floor is an #affordable housing unit#.

In an #MIH site#, where one or more of the #dwelling units# or #rooming units#, other than any #super's unit#, are not #affordable housing units#, the #affordable housing units# shall share a common primary entrance with the other #dwelling units# or #rooming units#.

In addition, except where all #affordable housing units# are rental #affordable housing# and all other #dwelling units# are #homeownership# housing, any #affordable housing units# other than #supportive housing units# or #affordable independent residences for seniors# shall be distributed on at least 50 percent of the #residential stories# of such #MIH site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the

#guidelines#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a Federal, State or local program where such

#generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, or for #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

(c) Bedroom mix of #affordable housing units#

(1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# in a #generating site# or #MIH site#, other than any #super's unit#, are not #affordable housing units#, either:

(i) the #dwelling units# in the #generating site# or #MIH site# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units# in the

#generating site#, other than any #super's unit#, that are not #affordable housing units#; or

- (ii) not less than 50 percent of the #dwelling units# in the #generating site# or #MIH site# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# in the #generating site# or #MIH site# that are #affordable housing units# shall contain one or more bedrooms.

However, such bedroom mix requirements shall not apply to #affordable independent residences for seniors# in an #MIH site#. #HPD# may also waive such ~~distribution~~ bedroom mix requirements for any #new construction affordable housing# that either is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section, or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

- (2) Where all of the #dwelling units# in a #generating site# or #MIH site#, other than any #super's unit#, in #new construction affordable housing# and #substantial rehabilitation affordable housing# are #affordable housing units#, not less than 50 percent of such #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of such #affordable housing units# shall contain one or more bedrooms. However, such bedroom mix requirements shall not apply to #affordable housing# for seniors in an #MIH site#. #HPD# may also waive these requirements for any #affordable housing# that is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.
- (3) All of the #supportive housing units# in a #generating site# or #MIH site# shall be

#affordable housing units# and shall contain such configuration as #HPD# shall require.

- (4) For purposes of this paragraph, (c), inclusive, fractions equal to or greater than one-half resulting from any calculation shall be considered to be one #dwelling unit#.
- (d) Size of #affordable housing units#
- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# in a #generating site# shall contain not less than:
- (i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or
  - (ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#; or
  - (iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or
  - (iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

For an #MIH site#, the above requirements shall apply, except that #HPD# may specify the method of measuring #floor area# within #affordable housing units# in the #guidelines#, compliant with Department of Buildings practice, and where #dwelling units# that are not #affordable housing units# have a smaller average size than the minimum size specified for a #dwelling unit# of a particular bedroom count, such smaller average size may apply. In addition, these unit size requirements shall not apply to #affordable independent residences for seniors# in an #MIH site#.

However, #HPD# may also waive such ~~distribution-unit size~~ requirements for any #new construction affordable housing# that is participating in a Federal, State or local program where such #generating site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through

#enlargement#, as specified in the #guidelines#.

- (2) Where all of the #dwelling units# in a #generating site# or #MIH site#, other than any #super's unit#, in #new construction# or #substantial rehabilitation affordable housing# are #affordable housing units#, #HPD# may waive such square footage requirements for any #affordable housing unit# that is participating in a Federal, State or local program where such #generating site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive such square footage requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.
  - (3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.
- (e) #Administering agent#
- (1) #HPD# shall approve each #administering agent# and may revoke such approval at any time before or during the #regulatory period#.
  - (2) For #generating sites#, Aan #administering agent# shall be a not-for-profit entity and shall not be, or be an affiliate of, an owner or managing agent of the #generating site#, unless #HPD# approves such owner, managing agent or affiliate to serve as the #administering agent# upon a determination that either:
    - (i) the #affordable housing# is participating in a Federal, State or local program that provides adequate independent means of ensuring compliance with the #regulatory agreement#; or
    - (ii) the owner and any such managing agent or affiliate are not-for-profit entities and there are adequate safeguards to ensure that such entities comply with the #regulatory agreement#.
  - (3) For #MIH sites#, the #administering agent# may be selected as provided for #generating sites#, or #HPD# may require that the #administering agent# be selected from a list of qualified not-for-profit or public entities as specified in the #guidelines#.
  - (4) For a period of time specified in the #guidelines#, the #administering agent# shall maintain all records setting forth the facts that form the basis of any

affidavit submitted to #HPD#. The #administering agent# shall maintain such records, and such other records as #HPD# may require, at the offices of the #administering agent# or at such other location as may be approved by #HPD#. The #administering agent# shall make such records, and all facets of the operations of the #administering agent#, available for inspection and audit by #HPD# upon request.

(f) #Regulatory agreement#

The following provisions shall apply to #generating sites#.

- (1) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.
- (2) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such documentation shall include, but shall not be limited to, plans meeting the requirements of Section 23-94, paragraph (c).
- (3) The #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #generating site# is located and shall

set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#.

- (4) #Affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#.
- (5) The #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings.
- (6) Where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#,

the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law:

- (i) appoint a receiver to manage such #generating site#; or
  - (ii) take control of the board of directors of any housing development fund company or not-for-profit corporation that owns, controls or operates such #generating site#.
- (7) Where applicable in accordance with paragraph (b), (Monthly rent), of Section 23-961, the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.

For #MIH sites#, the following provisions shall apply:

- (1) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #MIH application# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.
  - (2) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# such documentation shall include, but shall not be limited to, plans meeting the requirements of Section 23-94, paragraph (c).
  - (3) The #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #MIH site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #MIH application# for the entire #regulatory period#.
  - (4) Where applicable in accordance with paragraph (b), (Monthly rent), of Section 23- 961, the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.
- (g) Housing standards

Upon the date that #HPD# issues the #completion notice#, the #generating site# or #MIH site# shall be entirely free of violations of record issued by any City or State agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in

the #guidelines# with respect to non-hazardous violations in occupied #affordable housing units# of #preservation affordable housing# or #substantial rehabilitation affordable housing#.

(h) Insurance

The #affordable housing# in a #generating site# or #MIH site# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#. Any insurance proceeds resulting from damage or destruction of all or part of the #generating site# or #MIH site# containing such #affordable housing# shall be used first to restore any damaged or destroyed #affordable housing#, except that #HPD# may provide priority for lenders participating in the financing of #affordable housing# that is assisted under City, State or Federal programs.

(i) Duration of obligations

The obligation to provide and maintain a specified amount of #affordable housing# on a #generating site# or #MIH site# shall run with the #zoning lot# containing such #generating site# or #MIH site# for not less than the #regulatory period#. If any portion of such #affordable housing# is damaged or destroyed, no #floor area# shall be #developed#, reconstructed or repaired on such #zoning lot#, and no #development#, #enlargement#, extension or change of #use# shall occur on such #zoning lot#, unless

- (1) the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed; or
- (2) 100 percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

(j) One #generating site# or #MIH site# may satisfy requirements for multiple #compensated zoning lots# or #MIH zoning lots#, as applicable.

Any #generating site# or #MIH site# may contain #affordable housing# that satisfies the requirements of Section 23-90, inclusive, for more than one #compensated development# or #MIH development#, as applicable, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments# or in satisfying the #floor area# provisions for #zoning lots# in paragraph (d) of Section 23-154 (Inclusionary Housing).

## (k) #Guidelines#

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of Section 23-90, inclusive.

**23-961****Additional requirements for rental affordable housing**

The additional requirements of this Section shall apply to rental #affordable housing# on a #generating site# or #MIH site# for the entire #regulatory period#.

## (a) Tenant selection

- (1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable for #generating sites#, or to #qualifying households#, as applicable, for #MIH sites#. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.
- (2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.
- (3) A #low income household# or #qualifying household# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households# or by #qualifying households# of higher income levels, provided that the #administering agent# determines that such #low income household# or #qualifying household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.

## (b) Monthly rent

- (1) Unless alternative provisions are established in the #regulatory agreement# or

#guidelines# for #MIH sites#, ~~T~~the #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent-up date# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent-up date# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD#.

- (i) However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory agreement date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.
  - (ii) The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.
- (2) Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, ~~T~~the #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.

However, for #supportive housing units# or #affordable independent residences for seniors# on #MIH sites#, the #monthly rent# may exceed the #maximum monthly rent#, provided that it does not exceed the HUD Fair Market Rent for such unit, and that the #monthly rent#, less rent subsidies pursuant to Section 8 of the United

States Housing Act of 1937, does not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#.

- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.
- (5) For any #affordable housing unit# subject to #rent stabilization#, the applicable ~~The~~ #regulatory agreement# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to:
  - (i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount;
  - (ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts;
  - (iii) the nature of the tenant; or
  - (iv) any other reason.
- (6) Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, ~~The~~ #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.

- (7) Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, tThe #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

- (1) Each #affordable housing unit# on a #generating site# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#. Each #affordable housing unit# on an #MIH site# shall be leased to and occupied by #qualifying households# for the entire #regulatory period#.
- (2) The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household#, #middle income household#, or #qualifying household#, as applicable.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(d) #Affordable housing plan# and #MIH application#

The following shall apply to #affordable housing plans#:

- (1) An #affordable housing plan# shall designate the initial #administering agent#, include the agreement with the initial #administering agent#, state how

#administering agents# may be removed, state how a new #administering agent# may be selected upon the removal or other departure of any #administering agent#, include the building plans, state the number and bedroom mix of the #affordable housing units# to be #developed#, rehabilitated or preserved, indicate how tenants will be selected at #rent-up# and upon each subsequent vacancy of an #affordable housing unit#, indicate how the #household# income of each prospective tenant will be verified prior to such #household#'s #initial occupancy# of an #affordable housing unit# and include such additional information as #HPD# deems necessary.

- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #affordable housing# in accordance with Section 23-90 (INCLUSIONARY HOUSING), inclusive, including that:
  - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
  - (ii) #affordable housing units# will be leased to eligible #households# by a responsible #administering agent# at #rent-up# and upon each subsequent vacancy; and
  - (iii) tenants will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
  
- (3) A copy of any proposed #affordable housing plan# shall be delivered to the affected Community Board, which may review such proposal and submit comments to #HPD#. #HPD# shall not approve a proposed #affordable housing plan# until the earlier of:
  - (i) the date that the affected Community Board submits comments regarding such proposal to #HPD# or informs #HPD# that such Community Board has no comments; or
  - (ii) 45 days from the date that such proposal was submitted to the affected Community Board.

The following shall apply to #MIH applications#:

- (1) An #MIH application# shall designate the initial #administering agent#, where applicable, and include the building plans, state the number, bedroom mix and #monthly rents# of the #affordable housing units# to be #developed# or #converted#, and include such additional information as #HPD# deems necessary

to ensure the satisfaction of the requirements of Section 23-90, inclusive.

- (2) A copy of any #MIH application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(e) Special requirements for rental #preservation affordable housing#

The additional requirements of this paragraph (e), shall apply to rental #preservation affordable housing#:

- (1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be

permitted by other laws; and

- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(f) Special requirements for rental #substantial rehabilitation affordable housing#

The additional requirements of this paragraph, (f), shall apply to rental #substantial rehabilitation affordable housing#:

- (1) such #affordable housing# shall be created through the rehabilitation of a #generating site# at a cost per completed #affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

**23-962****Additional requirements for homeownership affordable housing**

The additional requirements of this Section shall apply to #homeownership affordable housing# on a #generating site# or #MIH site# for the entire #regulatory period#.

## (a) Homeowner selection

- (1) Upon #sale#, #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households#, ~~and #middle income households#~~ or, for #MIH sites#, #qualifying households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers# at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.
- (2) A #homeowner# may, with the prior approval of the #administering agent#, sublet an #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, ~~or #eligible buyer#~~ or, for #MIH sites#, #qualifying household#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.
- (3) A #homeowner# shall reside in the #homeownership affordable housing unit#, except as provided in paragraph (a)(2) of this Section.
- (4) The restrictions in this paragraph, (a), on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a #homeownership affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this paragraph, (a), and the #guidelines#.

## (b) Price

- (1) The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in Section 23-913 (Definitions applying to homeownership generating sites).
- (2) The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#. #HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30

percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable. For #MIH sites#, #HPD# shall establish the #initial price# based on the incomes of #qualifying households# in accordance with the #guidelines#.

- (3) Prior to any #resale# of a #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.
- (4) The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment#, as specified in the #guidelines#.
- (5) A #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.

(c) Income

- (1) The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household#, ~~or~~ #middle income household# or, for #MIH sites#, #qualifying household#, as applicable, and that upon #resale#, it is to an #eligible buyer#.
- (2) The #administering agent# shall meet reporting requirements on each #sale# and #resale#, as set forth in the #guidelines#.

- (3) Each year after the #commencement date#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of a #homeownership affordable housing unit# during the preceding year complied with all applicable requirements on the #resale date#.
- (d) #Affordable housing plan# and #MIH application#

The following shall apply to #affordable housing plans#:

- (1) An #affordable housing plan# shall include the building plans, state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, rehabilitated or preserved, indicate how #homeowners# will be selected upon each #sale# or #resale# of a #homeownership affordable housing unit#, indicate how the #household# income of #eligible buyers# will be verified prior to such #household's initial occupancy# of a #homeownership affordable housing unit# and include such additional information as #HPD# deems necessary.
- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #homeownership affordable housing#, including that:
- (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
  - (ii) #affordable housing units# will be sold under the supervision of a responsible #administering agent# to #eligible buyers# at each #sale# and #resale#; and
  - (iii) #homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) The requirements of Section 23-961, paragraph (d)(3), shall

apply. The following shall apply to #MIH applications#:

- (1) An #MIH application# shall include the building plans; state the number and bedroom mix of the #homeownership affordable housing units# to be #developed# or #converted#, and the #initial price# of each #homeownership affordable housing unit#; and include such additional information as #HPD#

deems necessary to ensure the satisfaction of the requirements of Section 23-90, inclusive.

- (2) A copy of any #MIH application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(e) Housing standards

The requirements of Section 23-96, paragraph (g), shall apply. In addition, each #homeowner# shall be obligated to maintain each #homeownership affordable housing unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the #guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

(f) Optional provisions for certain #new construction homeownership affordable housing#

In Community District 3, Borough of Manhattan, #HPD# may modify the requirements for #new construction homeownership affordable housing# to facilitate #development# on a site that has been disposed of pursuant to Article 16 of the General Municipal Law as set forth in this paragraph (f), inclusive.

- (1) #HPD# may permit a #household# to occupy a #new construction homeownership affordable housing unit# as rental #affordable housing# if:
- (i) no more than 120 days prior to the #regulatory agreement date#, such #household# occupied a #dwelling unit# or #rooming unit# in a #building# located on the #zoning lot# of such #new construction homeownership affordable housing#, pursuant to a lease or occupancy agreement to which one or more members of such #household# was a party or pursuant to a statutory tenancy;
  - (ii) no more than 120 days prior to the #regulatory agreement date#, the average rent for all occupied #dwelling units# or #rooming units# in such #building# did not exceed 30 percent of the #low income limit# divided by 12; and
  - (iii) after the #regulatory agreement date#, such #building# is demolished and replaced with #new construction homeownership affordable

housing#.

- (2) #HPD# may permit a #household# that is not an #eligible buyer#, but that meets the requirements of paragraph (f)(1) of this Section, to purchase a #new construction homeownership affordable housing unit# at #sale#, provided that such #household# is a #low income household#, #moderate income household# or #middle income household#, as applicable.

Where a #new construction homeownership affordable housing unit# is purchased at a nominal price, the #appreciated price# for such #homeownership affordable housing unit# shall be the product of the #initial price# of such #homeownership affordable housing unit# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

- (g) Special requirements for #homeownership preservation affordable housing#

The additional requirements in this paragraph, ~~(f)(g)~~, shall apply to #homeownership preservation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building# containing #residences#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23- 961 (Additional requirements for rental affordable housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

- (5) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
  - (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.
- (h) Special requirements for #homeownership substantial rehabilitation affordable housing#

The additional requirements in this paragraph, ~~(g)~~(h), shall apply to #homeownership substantial rehabilitation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# or #MIH site# shall be an existing #building#;
- (2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (3) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (4) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23- 961 until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

- (6) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

\* \* \*

**62-80**

**SPECIAL REVIEW PROVISIONS**

\* \* \*

**62-83**

**Special Permits by the City Planning Commission**

**62-831**

**General Provisions**

Where a special permit application would allow a significant increase in #residential floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of such paragraph (d).

**62-831-832**

**Docks for passenger ocean vessels in C6 Districts**

\* \* \*

**62-~~832~~-833**

**Docks for ferries or water taxis in Residence Districts**

\* \* \*

**62-~~833~~-834**

**Uses on floating structures**

\* \* \*

**62-~~834~~-835**

**Developments on piers or platforms**

\* \* \*

**62-~~835~~-836**

**Public parking facilities on waterfront blocks**

\* \* \*

**62-~~836~~-837**

**Bulk modifications on waterfront blocks**

\* \* \*

**62-~~837~~-838**

**Docks for gambling vessels**

\* \* \*

**73-624**

**Reduction or modification of Mandatory Inclusionary Housing requirements**

The Board of Standards and Appeals may permit a reduction in the amount of #affordable floor area# required on an #MIH zoning lot# or modify the income levels specified for #qualifying households# pursuant to paragraphs (d)(3)(i) through (d)(3)(iii) of Section 23-154 (Inclusionary Housing), or reduce the amount of a payment into the #affordable housing fund# required pursuant to paragraph (d)(3)(iv) of Section 23-154, provided that:

- (a) such requirements for #affordable housing# create an unnecessary hardship, with no reasonable possibility that a #development#, #enlargement#, or #conversion# on the #zoning lot# in strict compliance with the provisions of Section 23-90 (Inclusionary Housing), inclusive, will bring a reasonable return, and that a reduction or modification of these requirements is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#;
- (b) the unnecessary hardship claimed as a basis for such reduction or modification has not been created by the owner or by a predecessor in title; and
- (c) within the intent and purposes of Section 23-90 (Inclusionary Housing), the reduction or modification is the minimum necessary to afford relief.

\* \* \*

**74-00**

**POWERS OF THE CITY PLANNING COMMISSION**

**74-01**

**General Provisions**

\* \* \*

In addition, the Commission, with the concurrence of the Board of Estimate, shall also have the power to permit the renewal of an exception or permit issued prior to December 15, 1961, in accordance with the provisions of Section 11-41 relating to Exceptions, Variances or Permits Previously Authorized.

In all Special Purpose Districts, the provisions of 23-934 (Special permit approval in Special Purpose Districts), with respect to special permits that modify #use# or bulk#, shall

apply. In the #Special Midtown District#, the powers of the Commission to permit special permit #uses# are modified by the provisions of Section 81-13 (Special Permit Use Modifications), and the powers of the Commission to permit modification of the #bulk# regulations or grant bonus #floor area# for certain amenities are made inapplicable or modified in accordance with the provisions of Section 81-062 (Applicability of Chapter 4 of Article VII).

\* \* \*

**74-30**

**SPECIAL PERMIT USES AND BULK MODIFICATIONS**

**74-31**

**General Provisions for Special Permit Uses**

The City Planning Commission shall have the power to permit in the districts indicated, the special permit #uses# set forth in this Chapter and to prescribe appropriate conditions and safeguards thereon, provided that in each specific case:

\* \* \*

**74-32**

**Additional Considerations for Special Permit Use and Bulk Modifications**

Where a special permit application would allow a significant increase in #residential floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed

#development#, #enlargement# or #conversion#, the Commission may modify the requirements of such paragraph (d).

\* \* \*

(On December 16, 2015, Cal. No. 4, the Commission scheduled January 6, 2016 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**No. 20**

**CD 5**

**C 160037 HUK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for an amendment to the Dinsmore-Chestnut Urban Renewal Plan for the Dinsmore-Chestnut Urban Renewal Area.

(On December 16, 2015, Cal. No. 5, the Commission scheduled January 6, 2016 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**No. 21**

**CD 5**

**C 160042 HDK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application, submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of City-owned property comprising Site A (Block 4142, Lot 32), within the Dinsmore-Chestnut Urban Renewal Area.

(On December 16, 2015, Cal. No. 6, the Commission scheduled January 6, 2016 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**No. 22**

**CD 5 & 16**

**N 160050 ZRK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for the purpose of establishing Special Mixed Use District 16, establishing Special Enhanced Commercial Districts, and establishing a Mandatory Inclusionary Housing Area in Community Districts 5 and 16, Borough of Brooklyn.

Matter in underline is new, to be added;

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

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

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

**Note: Cross references to Section numbers and titles and certain changes in this text reflect the city wide zoning text amendment, Zoning for Quality and Affordability (ULURP # N160049 ZRY), that is in public review concurrently.**

**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**

\* \* \*

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 Section 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 23-952154 (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	R7A R8A
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 - Community District 6, Brooklyn	R7-2

MX 14 - Community District 6, The Bronx	R7A R7X
MX 16 - Community Districts 5 and 16, Brooklyn	R6A R7A R7D R8A

**123-64**

**Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings**

\* \* \*

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# shall be the maximum

#floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential use#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in #Inclusionary Housing designated areas# and in #Mandatory Inclusionary Housing areas#, except within Waterfront Access Plan BK-1, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial#, #community facility# or #manufacturing uses# shall be the base

#floor area ratio# set forth in Section 23-952 for the applicable district. Such base

#floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing#, pursuant to Section 23-90, inclusive.

\* \* \*

**123-90**

**SPECIAL MIXED USE DISTRICTS SPECIFIED**

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

#Special Mixed Use District# - 1: (12/10/97)  
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# - 15: (11/13/12)  
West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 16: [date of adoption]  
Ocean Hill/East New York, Brooklyn

The #Special Mixed Use District# - 16 is established in Ocean Hill and East New York in Brooklyn as indicated on the #zoning maps#.

\* \* \*

## **Article XIII - Special Purpose Districts**

### **Chapter 2 Special Enhanced Commercial District**

#### **132-00 GENERAL PURPOSES**

The “Special Enhanced Commercial District,” established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- (a) in “Special Enhanced Commercial District” 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian

experience along the street;

\* \* \*

- (d) in “Special Enhanced Commercial District” 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages; ~~and~~
- (e) in “Special Enhanced Commercial District” 5 , to enhance the vitality of emerging commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (f) in “Special Enhanced Commercial District” 6, to enhance the vitality of well - established commercial districts by ensuring that ground floor frontages continue to be occupied by active uses that enliven the pedestrian experience along the street; and
- (eg) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

\* \* \*

### 132-11

#### Special Enhanced Commercial Districts Specified

The #Special Enhanced Commercial District# is mapped in the following areas:

- (a) #Special Enhanced Commercial District# 1 (~~11/29/11~~)

The #Special Enhanced Commercial District# 1 (EC-1) is established on (11/29/11) on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

- (1) Fourth Avenue, in the Borough of Brooklyn, generally between 24th Street and Atlantic Avenue.
- (b) #Special Enhanced Commercial District# 2 (~~6/28/12~~)

The #Special Enhanced Commercial District# 2 (EC-2) is established on (6/28/12) on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and
- (2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3 (6/28/12)

The #Special Enhanced Commercial District# 3 (EC-3) is established on (6/28/12) on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4 (10/11/12)

The #Special Enhanced Commercial District# 4 (EC-4) is established on (10/11/12) on the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

- (1) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner Place and Monroe Street.

(e) #Special Enhanced Commercial District# 5

The #Special Enhanced Commercial District# 5 (EC-5) is established on [date of adoption] on the following #designated commercial streets# as indicated on #zoning map# 17c:

- (1) Atlantic Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Euclid Avenue;
- (2) Pitkin Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Crescent Avenue;
- (3) Fulton Street, in the Borough of Brooklyn, generally between Eastern Parkway

and Van Sinderen Avenue; and

- (4) Pennsylvania Avenue, in the Borough of Brooklyn, generally between Fulton Street and Atlantic Avenue.

- (f) #Special Enhanced Commercial District# 6

The #Special Enhanced Commercial District# 6 (EC-6) is established on [date of adoption] on the following #designated commercial streets# as indicated on #zoning map# 17c:

Fulton Street between Sheffield Avenue and Euclid Avenue.

\* \* \*

**132-13**

**Applicability of Special Use, Transparency, Street Wall and Parking Regulations**

The special #use#, transparency, street wall and parking regulations of this Chapter shall apply to

#buildings# in #Special Enhanced Commercial Districts# as designated in the following table, except as otherwise provided in Sections 132-21, 132-31 and 132-41.

Table

Special Regulations for Enhanced Commercial Districts USE

REGULATIONS

#Special Enhanced Commercial District#	Mandatory Ground Floor #Uses#			Minimum Number of Establishments (132-23)
	Minimum Percentage of #Commercial Uses# (132-22(a))	Mandatory Non-#Residential Uses# (132-22(b))	Other Permitted #Uses# (133-22(c))	

EC – 1 (Fourth Avenue, Brooklyn)	x		x	
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)				x
EC – 3 (Broadway ,				
EC – 4 (Broadway , Brooklyn)		x	x	
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)		x	x	
EC – 6 (Fulton Street, Brooklyn)		x	x	

#Special Enhanced Commercial District#	Maximum #Street Wall# Width		
	Banks and Loan Offices (132-24(a))	Other Non-Residential# Establishments (132-24(b))	#Residential# Lobbies (132-24(c))
EC – 1 (Fourth Avenue, Brooklyn)			x
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)	x	- x	x
EC – 3 (Broadway ,	x		x
EC – 4 (Broadway , Brooklyn)			x
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)			x
EC – 6 (Fulton Street, Brooklyn)			x

## TRANSPARENCY, STREET WALL AND PARKING REGULATIONS

#Special Enhanced Commercial District#	Ground Floor Transparency (132-32)	Street Wall Location (132-33)	Location of Parking Spaces (132-42)	Curb Cuts (132-43)
EC – 1 (Fourth Avenue, Brooklyn)	x		x	x
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)	x			
EC – 3 (Broadway ,	x			
EC – 4 (Broadway , Brooklyn)	x		x	x
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)	x		x	x
EC – 6 (Fulton Street, Brooklyn)	x	x	x	x

**132-20**

**SPECIAL USE REGULATIONS**

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132- 21 (Applicability of Use Regulations).

\* \* \*

**132-21**

**Applicability of Use Regulations**

In #Special Enhanced Commercial Districts#, the applicable special #use# provisions set forth in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply as follows:

- (a) #Special Enhanced Commercial Districts# ~~1 and~~ 4, 5 and 6

In the #Commercial Districts# located within #Special Enhanced Commercial Districts# ~~1 and~~ 4, 5 and 6, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, ~~except that such provisions shall not apply to #zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on:~~

\* \* \*

**132-22**

**Mandatory Ground Floor Uses**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set

forth in this Section, shall apply only to the portion of the #building’s ground floor level# fronting upon a #designated commercial street#.

\* \* \*

**32-23**

**Minimum Number of Establishments**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

\* \* \*

**132-24**

**Maximum Street Wall Width**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

\* \* \*

**132-30**

**SPECIAL TRANSPARENCY AND STREET WALL LOCATION REGULATIONS**

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-31.

**132-31**

**Applicability of Transparency Regulations**

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts on a #designated commercial street#, except that such provisions shall not apply:

- (a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:
- (1) November 29, 2011, for #Special Enhanced Commercial District# 1;
  - (2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3; ~~and~~
  - (3) October 11, 2012, for #Special Enhanced Commercial District# 4; and
  - (4) [date of adoption], for #Special Enhanced Commercial Districts# 5 and 6;
- ~~(b) to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4; and~~
- ~~(e)(b) in #Special Enhanced Commercial Districts# 1 and, 4, 5 and 6, to #buildings# in~~  
 in  
 #Residence Districts# where the #ground floor level# contains #dwelling units# ~~or~~  
 #rooming units#.

## 132-32

### Ground Floor Level Transparency Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the special transparency regulations of ~~this~~ Section 37-34 (Minimum Transparency Requirements) shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#.

\* \* \*

However, in #Special Enhanced Commercial Districts# 5 and 6, for #buildings# containing Use Groups 16, 17 and 18 at the #ground floor level#, up to 50 percent of the length of a #street wall# may be exempt from such regulations. Where the exempted portion is 50 feet or more in length and contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is less, such exempted portion shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. In case where an #extension# or a #conversion# of the

#ground floor level# results in a reduction of the exempted portion, provisions set forth in 37-34 (Minimum Transparency Regulations) shall apply to such reduced portion.

### **132-33**

#### **Street Wall Location**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132- 13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to a #street wall# or its prolongation fronting along a #designated commercial street#. The open area between the #street line# and #street wall#, or its prolongation, resulting from requirements set forth in this provision, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. When applying requirements set forth in this provision, two or more adjacent #developments# or #enlargements# under common ownership or control shall be considered a single #development# or #enlargement#.

In Commercial and Manufacturing Districts, other than C4-4L Districts, mapped within #Special Enhanced Commercial District# 6, for #developments# or horizontal #enlargements# at the ground level, resulting in a #street wall# of 40 feet or wider, as measured along the #street line # of the

#designated commercial street#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

### **132-40**

#### **SPECIAL PARKING REGULATIONS**

The special parking regulations of this Section, inclusive, shall apply to all #buildings# in the

#Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations).

### **132-41**

#### **Applicability of Parking Regulations**

In #Special Enhanced Commercial Districts#, the applicable special parking provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall

and Parking Regulations) shall apply to all #buildings# with frontage along a #designated commercial street#.

### 132-42

#### Locations of Parking Spaces

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

\* \* \*

### 132-43

#### Curb Cut Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along a #designated commercial street#.

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on:
  - (1) November 29, 2011, in #Special Enhanced Commercial District# 1; or
  - (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
  - (3) [date of enactment], in #Special Enhanced Commercial District# 5; or
  - (4) [date of enactment], in #Special Enhanced Commercial District# 6;

- (c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and
- (d) has a #lot area# of at least 5,700 square feet.

**132-50**

**CERTIFICATIONS AND AUTHORIZATIONS**

**APPENDIX F**

\* \* \*

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

The boundaries of #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing 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# or #Mandatory Inclusionary Housing areas# are mapped in #Commercial Districts#, the residential district equivalent, as set forth in Sections 34-112 or 35-23 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) has instead been specified for each map.

Table of  
Inclusionary Housing Designated Areas  
and Mandatory Inclusionary Housing  
Area

by Zoning Map

\* \* \*

**BROOKLYN**

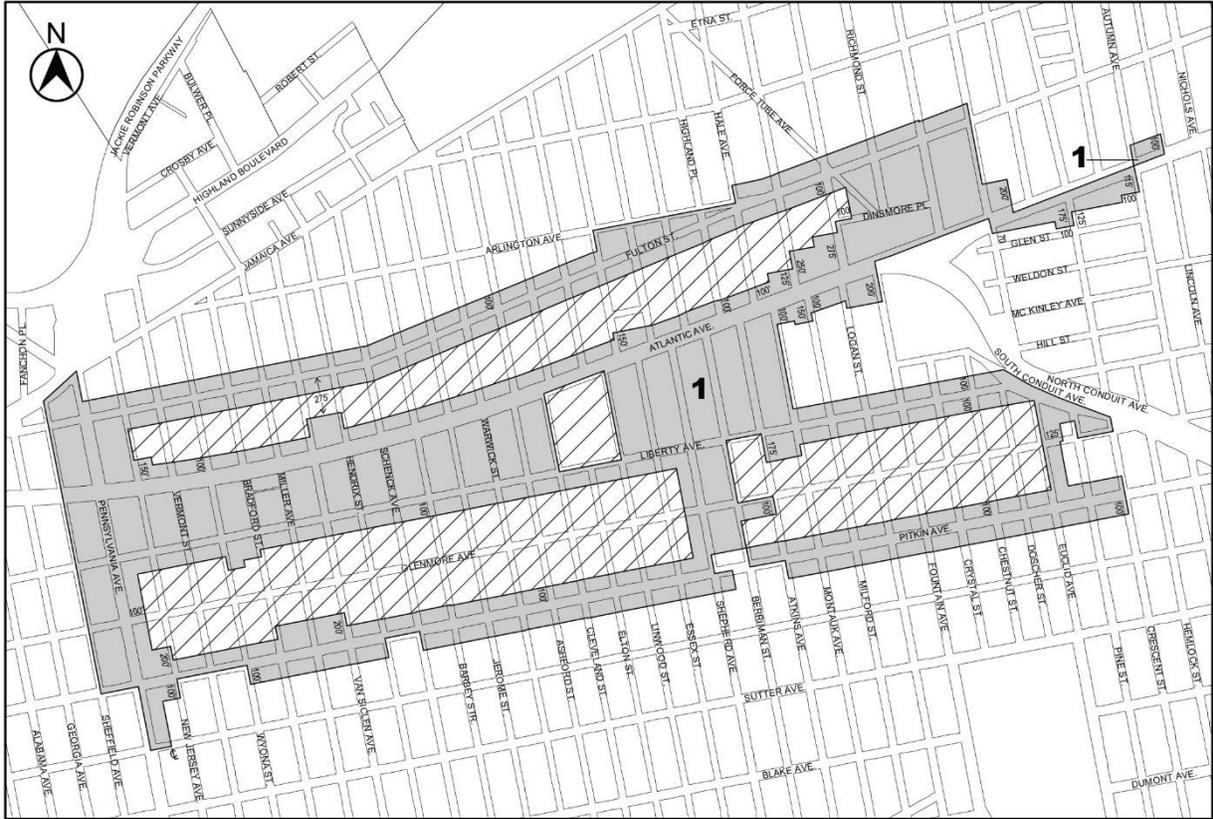
\* \* \*

**Brooklyn Community District 5**

In the R6A, R6B, R7A and R8A Districts within the areas shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



-  Mandatory Inclusionary Housing Area (MIHA)
- 1** MIH Program Option 1 [Section 23-154(d)(3)]
-  Not included in IHDA or MIHA

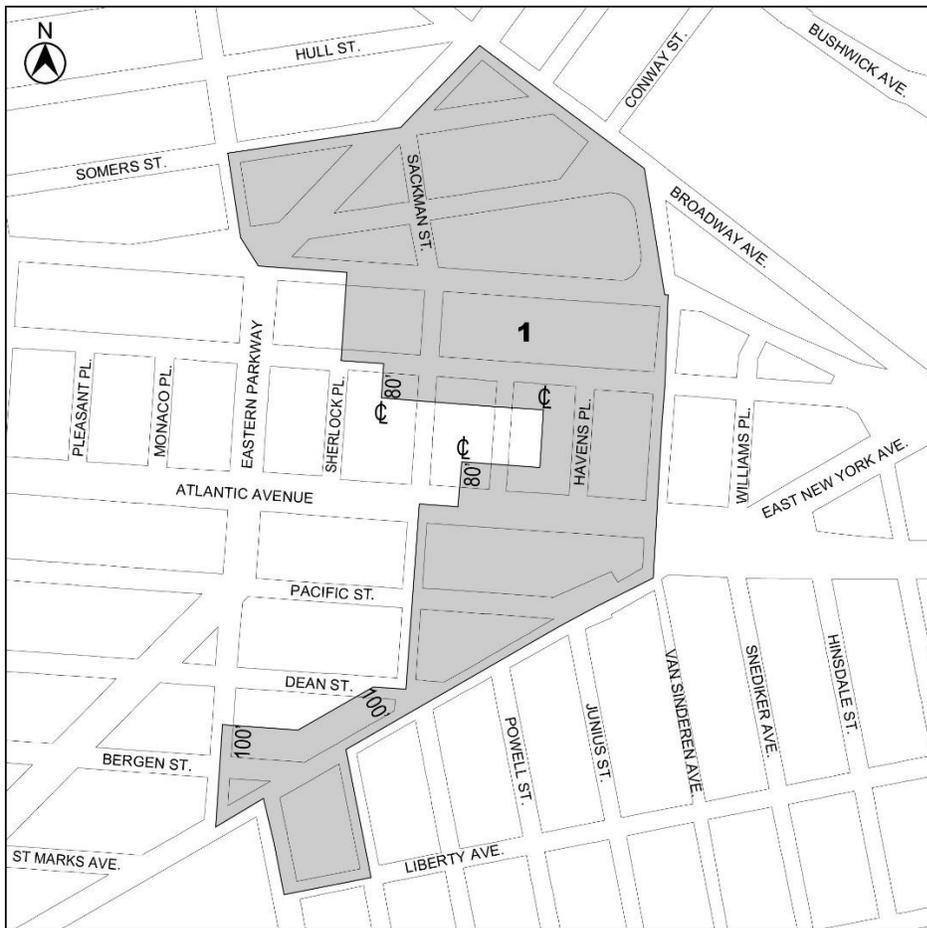
\* \* \*

**Brooklyn Community District 16**

In the R6A, R6B, R7A and R7D Districts within the areas shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



■ Mandatory Inclusionary Housing Area (MIHA)  
1 MIH Program Option 1 [Section 23-154(d)(3)]

\* \* \*

(On December 16, 2015, Cal. No. 4, the Commission scheduled January 6, 2016 for a public hearing which has been duly advertised.)

**Close the hearing.**

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#### NOTICE

**On Wednesday, January 6th, 2016, at 10:00 a.m., in the Brooklyn Borough Hall Courtroom, 209 Joralemon Street, Second Floor, Brooklyn, New York, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by the New York City Department of City Planning (DCP) and the Department of Housing Preservation and Development (HPD). DCP is proposing zoning map and text amendments that would affect a total of approximately 190 blocks in East New York, Cypress Hills and Ocean Hill neighborhoods of Brooklyn, Community Districts 5 and 16, respectively. The affected area within East New York and Cypress Hills is generally bounded by Sheffield Avenue to the west, Lincoln Avenue to the East, Fulton Street to the north and Pitkin Avenue to the south. The affected area within Ocean Hill is generally bounded by Eastern Parkway Extension to the west, Van Sinderen Avenue to the east, Broadway to the north and East New York Avenue to the south. The proposed rezoning would replace all or portions of existing M1-1, M1-2, M1-4, C8-1, C8-2, R5, and R6 districts with M1-4/R6A, M1-4/R7A, M1-4/R8A, M1-4/R7D, R5, R5B, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-4L and C4-5D districts. The proposed rezoning would also replace or eliminate portions of existing C1-2, C1-3, C2-2, and C2-3 overlays mapped within the existing R5 and R6 districts with C2-4 overlays and establish new C2-4 overlays. The proposed zoning text amendments would apply a new Mandatory Inclusionary Housing program (MIH) to portions of the proposed rezoning area where zoning changes are promoting new housing plus establish an Enhanced Commercial District and a Special Mixed Use District within the rezoning area. HPD is proposing an amendment to the Dinsmore-Chestnut Urban Renewal Plan to conform land use restrictions to zoning, to refresh the urban renewal plan's general provisions, and to allow disposition of the urban renewal sites in accordance with the urban renewal plan. Collectively, the proposed actions would implement recommendations of the East New York Community Plan, which is the subject of an ongoing community process, to create opportunities for housing, including affordable housing, community facilities, including a new proposed public school facility, economic development and other services. Written comments on the DEIS are requested and will be received and considered by the Lead Agency until Tuesday, January 19, 2016.**

**This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 15DCP102K.**



IV. CITY PLANNING COMMISSION 2016 SCHEDULE OF MEETINGS

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY						1 NEW YEAR'S DAY	2
	3	4 REVIEW SESSION	5	6 CPC PUBLIC MEETING	7	8	9
	10	11	12	13	14	15	16
	17	18 MARTIN LUTHER KING, JR. DAY	19 REVIEW SESSION	20 CPC PUBLIC MEETING	21	22	23
	24	25	26	27	28	29	30
31							
FEBRUARY		1 REVIEW SESSION	2	3 CPC PUBLIC MEETING	4	5	6
	7	8 CHINESE NEW YEAR	9	10 ASH WEDNESDAY	11	12 LINCOLN'S BIRTHDAY	13
	14	15 PRESIDENTS' DAY	16	17	18	19	20
	21	22 WASHINGTON'S BIRTHDAY	23	24 CPC PUBLIC MEETING	25	26	27
	28	29					
MARCH			1	2	3	4	5
	6	7 REVIEW SESSION	8	9 CPC PUBLIC MEETING	10	11	12
	13	14	15	16	17 ST. PATRICK'S DAY	18	19
	20 PALM SUNDAY	21	22	23	24	25	26
	27 EASTER	28 REVIEW SESSION	29	30 CPC PUBLIC MEETING	31		
APRIL						1	2
	3	4	5	6	7	8	9
	10	11 REVIEW SESSION	12	13 CPC PUBLIC MEETING	14	15	16
	17	18	19	20	21	22	23
	24	25 REVIEW SESSION	26	27 CPC PUBLIC MEETING	28	29	30 PASSOVER
MAY	1	2	3	4	5	6	7
	8	9 REVIEW SESSION	10	11 CPC PUBLIC MEETING	12	13	14
	15	16	17	18	19	20	21
	22	23 REVIEW SESSION	24	25 CPC PUBLIC MEETING	26	27	28
	29	30 MEMORIAL DAY	31				
JUNE				1	2	3	4
	5	6 REVIEW SESSION	7 1ST DAY RAMADAN	8 CPC PUBLIC MEETING	9	10	11
	12	13	14	15	16	17	18
	19	20 REVIEW SESSION	21	22 CPC PUBLIC MEETING	23	24	25
	26	27	28	29	30		
JULY						1	2
	3	4 INDEPENDENCE DAY	5	6	7	8	9
	10	11 REVIEW SESSION	12	13 CPC PUBLIC MEETING	14	15	16
	17	18	19	20	21	22	23
	24	25 REVIEW SESSION	26	27 CPC PUBLIC MEETING	28	29	30
31							
AUGUST		1	2	3	4	5	6
	7	8 REVIEW SESSION	9	10 CPC PUBLIC MEETING	11	12	13
	14	15	16	17	18	19	20
	21	22 REVIEW SESSION	23	24 CPC PUBLIC MEETING	25	26	27
	28	29	30	31			
SEPTEMBER					1	2	3
	4	5 LABOR DAY	6	7 CPC PUBLIC MEETING	8	9	10
	11	12	13	14	15	16	17
	18	19 REVIEW SESSION	20	21 CPC PUBLIC MEETING	22	23	24
	25	26	27	28	29	30	
OCTOBER	2	3 ROSH HASHANAH	4	5 CPC PUBLIC MEETING	6	7	8
	9	10 COLUMBUS DAY OBSERVED	11	12	13	14	15
	16	17 REVIEW SESSION	18	19 CPC PUBLIC MEETING	20	21	22
	23	24	25	26	27	28	29
	30	31 REVIEW SESSION					
NOVEMBER			1	2	3	4	5
	6	7	8 ELECTION DAY	9	10	11 DIWALI	12
	13	14 REVIEW SESSION	15	16 CPC PUBLIC MEETING	17	18 VETERANS' DAY	19
	20	21	22	23	24	25	26
	27	28 REVIEW SESSION	29	30 CPC PUBLIC MEETING			
DECEMBER					1	2	3
	4	5	6	7	8	9	10
	11	12 REVIEW SESSION	13	14 CPC PUBLIC MEETING	15	16	17
	18	19	20	21	22	23	24
	25 CHRISTMAS	26 1ST DAY KWAZANZA CHRISTMAS OBSERVED	27	28	29	30	31 HANUKKAH

**Review Sessions** are held in Spector Hall at 22 Reade Street starting at 1:00 PM  
**Public Meetings** are held in Spector Hall at 22 Reade Street starting at 10:00 AM