



CITY PLANNING COMMISSION

December 13, 2000/Calendar No. 23

N 000647 ZRK

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, relating to Article I, Chapter 5 (Residential Conversion of Existing non-Residential Buildings), extending its applicability to Community District 8, Borough of Brooklyn

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on June 16, 2000.

RELATED ACTION

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

1. C 000024 ZMK: an amendment of the Zoning Map, changing two blocks on Pacific Street between Carlton Avenue and Flatbush Avenue from an M1-1 district to a C4-4A district

Please note that an application (C 000613 PPK) to remove a "Newspaper Facility" use restriction on previously disposed of city-owned properties (Block 1128, Lots 60, 65, 68, and 70), was withdrawn on December 12, 2000.

BACKGROUND

Article I, Chapter 5 of the Zoning Resolution provides regulations for the conversion of pre-1961 non-residential buildings to dwelling units in certain Community Districts in Manhattan, Brooklyn and Queens. Brooklyn Community Districts 2 and 6 immediately abutting Community District 8 are already covered by those provisions. The goals of the Article include ensuring the provision of safe and sanitary housing units with adequate size, light and air in converted buildings and providing flexibility for the residential conversion of vacant loft buildings in residential and commercial zoning districts. The regulations prescribe minimum standards for the size of dwelling units, access to light and air and impose roof open space requirements.

A more detailed description of the site, surrounding area and proposed project is included in the report on the related action for the zoning map amendment (C 000024 ZMK).

ENVIRONMENTAL REVIEW

This application (N 000647 ZRK), in conjunction with the application for the related actions (C 000024 ZMK) and (C 000613 PPK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 00DCP020K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on July 10, 2000.

PUBLIC REVIEW

On July 10, 2000 this text change application (N 000647 ZRK) was duly referred to Community Board 8 and the Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 8 held a public hearing on this application on September 14, 2000, and on September 14, 2000, by a vote of 18 to 5 with 9 abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendation of Community Board 8 appears in the report on the related application for an amendment of the Zoning Map (C 000024 ZMK).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on September 19, 2000.

A summary of the Borough President's recommendation appears in the report on the related

application for an amendment of the Zoning Map (C 000024 ZMK).

City Planning Commission Public Hearing

On October 18, 2000 (Calendar No. 3), the City Planning Commission scheduled November 1, 2000, for a public hearing on this application (N 000647 ZRK). The hearing was duly held on November 1, 2000 (Calendar No. 10), in conjunction with the public hearings on the application for the related action (C 000024 ZMK).

A discussion of the Public Hearing appears in the report on the related application for an amendment to the zoning map (C 000024 ZMK).

CONSIDERATION

The Commission believes that this amendment to the Zoning Resolution is appropriate. Community District 8, in Central Brooklyn, while primarily a residential area, does contain a significant number of loft buildings that could be converted to residences. This text change would assure that those conversions meet the same standards as similar areas in Manhattan, Brooklyn and Queens. The northwest quadrant of Community District 8, where most of the eligible loft buildings are located, is adjacent to Community Districts 2 and 6 to which the provisions of Article I, Chapter 5 already apply.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for amendment of the Zoning Map (C 000024 ZMK).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in Underline is new, to be added;

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

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

. . . indicate unchanged text omitted within a paragraph;

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

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Article I

General Provisions

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Chapter 5

Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens

* * *

15-00

GENERAL PURPOSES

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, special regulations for the conversion to dwelling units of non-residential buildings or portions thereof erected prior to December 15, 1961, have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

* * *

15-01

Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter. In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, the conversion to #dwelling units# of non-#residential buildings#, or portion thereof, erected prior to January 1, 1977 shall be subject to the provisions of this Chapter. Existing floor space used for mechanical equipment and not counted as Moor area# in non-#residential buildings# built prior to January 1, 1977 may be converted to #dwelling units# under the provisions of this Chapter.

* * *

15-013

Building permits and variances issued before the effective date of amendment

- (b) Building permits in Brooklyn Community Districts 1, 2, 6 and 68, and 6 and Queens Community Districts 1 and 2

If, before October 25, 1984, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before April 1, 1984, construction pursuant to such permit may be continued.

- (c) Variances

If, before April 9, 1981, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or before October 25, 1984, in Brooklyn Community Districts 1, 2, 6 and 68, and Queens Community Districts 1 and 2, a variance to permit the conversion of a #building# or portion thereof, to #residential# or #joint living-work quarters for artists use#, which variance has not lapsed pursuant to the provisions of Section 72-23, and a building permit was issued in accordance with the terms of said variance for such conversion by the Department of Buildings within two years of the grant of said variance, construction pursuant to such permit may be continued, without regard to the other provisions of this Chapter.

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15-025

Double glazed windows

All #dwelling units# in #buildings# which contain one or more #uses# listed in Section 15-50 (REFERENCED COMMERCIAL AND MANUFACTURING USES) and converted under the provisions of this Chapter shall be required to have double glazing on all windows. However, #dwelling units# occupied by #residential# tenants on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or in Brooklyn Community Districts 1, 2, 6 and ~~8~~, and Queens Community Districts 1 and 2, shall not be required to have double glazed windows.

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Article II

Residence District Regulations

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Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

Applicability of This Chapter

The #bulk# regulations of this Chapter apply to any #building or other structure#, other than a #community facility building# or a #building# used partly for #community facility use#, on any #zoning lot# or portion of a #zoning lot# located in any #Residence District#, including all new #developments#, #enlargements# and, where so specified, #extensions# or conversions. As used in this Chapter, the term "any #building#" shall therefore not include a #community facility building# or a #building# used partly for #community facility uses#, the #bulk# regulations for which are set forth in Article II, Chapter 4. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments# or #residential uses# in #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only to Special Purpose Districts are set forth in Articles VIII, IX,

X, XI and XII.

Special regulations applying to conversion to #dwelling units# non-#residential buildings#, or portions thereof, located in Manhattan Community Districts 1, 2, 3, 4, 5, and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2 are set forth in Article I, Chapter 5.

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Chapter 8

The Quality Housing Program

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28-01

Applicability of this Chapter

The Quality Housing Program is a specific set of standards and requirements for #buildings# containing #residences#. In R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, some of these standards and requirements are mandatory for the #development#, #enlargement#, #extension# of, or conversion to any #residential use# other than #single-# or

#two-family residences#.

In other R6, R7, R8, R9 or R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, #residential developments#, or #residential enlargements# where permitted, electing to use the optional Quality Housing #bulk# regulations in Article II, Chapter 3, shall comply with the mandatory Quality Housing Program standards and requirements set forth in this Chapter.

The provisions of Article VII, Chapter 8 (Large-Scale Residential Developments), are not applicable to #residential developments# pursuant to the Quality Housing Program.

The provisions of this Chapter shall not apply to the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, unless such conversions meet the requirements for new #residential developments# of Article II (Residence District Regulations).

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Article III

Commercial District Regulations

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Chapter 2

Use Regulations

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32-00

GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and of tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, including each #use# listed separately therein, are permitted in #Commercial Districts# as indicated in Sections 32-11 to 32-25, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 32-01 (Special Provisions for Adult Establishments).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

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33-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility

buildings# or #buildings# used partly for #commercial use# and partly for #community facility use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commercial District#, including all new #development# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments, community facility uses# in #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Sections 33-122, 33-123 and 33-126.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), 33-14, paragraph (a) and 33-16, paragraph (a).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Chapter 4

Bulk Regulations for Residential Buildings in Commercial Districts

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34-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #residential building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Section 34-114.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-

#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article 1, Chapter 5 (Residential Conversions of Existing Non-Residential Buildings in certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

35-00

APPLICABILITY AND DEFINITIONS

35-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is

permitted. When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed building#, the regulations set forth in Sections 35-21 to 35-23, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, in Sections 35-31 to 35-33, relating to Applicability of Floor Area and Open Space Regulations to Mixed Buildings, and in Sections 35-41 and 35-42, relating to the Applicability of Lot Area Requirements to Mixed Buildings, shall apply as if such #buildings# were a single #mixed building#. In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Section 35-24.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 35-23 and 35-412.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Article IV

Manufacturing District Regulations

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Chapter 3

Bulk Regulations

43-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #building or other structure# on any #zoning lot# or portion of a #zoning lot# located in any #Manufacturing District#, including all new #development# or #enlargements#. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# which do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Article VIII, IX, X, XI, and XII.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 6, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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Article V

Non-conforming Uses and Non-complying Buildings

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Chapter 2

Non-Conforming Uses

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52-31

General Provisions

For the purposes of this Chapter, a change of #use# is a change to another #use# listed in the same or any other Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of #use#.

A #non-conforming use# may be changed to any conforming #use#, and the applicable district #bulk# regulations and #accessory# off-street parking requirements shall not apply to such - change of #use# or to alterations made in order to accommodate such conforming #use#, but shall apply to any #enlargement#.

In all zoning districts which mandate compliance with the Quality Housing Program, the provisions of Article II, Chapter 8 shall apply to such change of #use#.

However, notwithstanding the provisions above, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens), unless such conversions meet the requirements for new #residential development# of Article II (Residence District Regulations).

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The above resolution (N 000647 ZMK), duly adopted by the City Planning Commission on December 13, 2000 (Calendar No.23), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

JOSEPH B. ROSE, Chairman
VICTOR G. ALICEA, Vice-Chairman
ALBERT ABNEY, ANGELA M. BATTAGLIA, AMANDA M. BURDEN, A.I.C.P.,
ANGELA R. CAVALUZZI, KATHY HIRATA CHIN, ESQ.,
ALEXANDER GARVIN, KENNETH J. KNUCKLES, ESQ., JOHN MEROLO,
EDWARD T. ROGOWSKY, Commissioners