



CITY PLANNING COMMISSION

May 22, 2005/Calendar No. 1

N 060413 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 II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), to apply the Inclusionary Housing Program to R7-3 Districts in Community District 1, Borough of Brooklyn.

The application for the zoning text amendment was filed by the Department of City Planning on March 27, 2006, to apply the Inclusionary Housing Program to R7-3 districts in Community District 1, Brooklyn.

BACKGROUND

The Greenpoint-Williamsburg rezoning, adopted in May 2005, included an Inclusionary Housing program for portions of Greenpoint-Williamsburg's East River waterfront zoned R6 and R8 in the area north of North 3rd Street. This program established a powerful incentive for the provision of affordable housing in conjunction with new developments. Under this program, developments providing affordable housing are eligible to develop additional floor area, and may utilize City, State, and Federal programs to build the affordable housing that generates the zoning bonus. Affordable units can be provided either on the same site as the building receiving the bonus, or off-site either through new construction or preservation of existing affordable units.

During the public review process for the Kedem redevelopment, private applications for a zoning map change and CPC special permit (C 020518 ZMK and C 020517 ZSK, respectively) to facilitate residential development on the Williamsburg waterfront, concerns were raised about affordable housing within the proposed development. The applicant indicated a willingness to provide 20 percent affordable housing in conjunction with this development, and the applications were approved with modifications by the Commission on May 8, 2006. In order to provide for consistent standards and administration of affordable housing in this and future developments in this area, in keeping with the program established under the Greenpoint-Williamsburg rezoning,

the Department has proposed the subject text amendment to apply the Inclusionary Housing program to R7-3 districts within Community District 1, Brooklyn.

The proposed text amendment would permit a floor area bonus to developments within R7-3 districts in Community District 1, Brooklyn, that provide affordable housing. Developments not participating in this program would be permitted a maximum Floor Area Ratio (FAR) of 3.75. For developments participating in the Inclusionary Housing program, the maximum FAR would be 5.0, a bonus of 33 percent.

In order to achieve the bonus, developments would be required to meet the same affordability requirements as established for the Inclusionary Housing program under the Greenpoint-Williamsburg rezoning. Developments would qualify for the bonus by providing either 20 percent of residential floor area for low-income households (below 80 percent of Area Median Income), or 10 percent for low-income households plus 15 percent for moderate-income households (below 125 percent of Area Median Income). Affordable units would be developed and administered pursuant to a Lower Income Housing plan with the Department of Housing Preservation and Development, and would remain affordable in perpetuity.

Applications for the proposed Kedem redevelopment, located on Kent Avenue between Broadway and South 9th Street, are before the City Council. For the proposed Kedem redevelopment to achieve the maximum residential floor area permitted by the zoning map change and special permit, it would have to provide at least 20 percent of the residential floor area as affordable housing pursuant to the Inclusionary Housing program.

The only other site currently zoned R7-3 in Community District 1 is the site of the recently constructed Schaefer Landing development, which would not be affected by the proposed action. Should additional sites in Community District 1 be rezoned to R7-3 under future actions, the Inclusionary Housing Program would apply to these locations.

ENVIRONMENTAL REVIEW

This application (N 060413 ZRK) 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 06DCP090K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 3, 2006.

PUBLIC REVIEW

On April 3, 2006, this application (N 060413 ZRK) was duly referred to Community Board 1 and the Brooklyn Borough President in accordance with the Commission's policy for non-ULURP items.

Community Board Public Hearing

Community Board 1 held a public hearing on the application (N 060413 ZRK) on April 10, 2006, and by a vote of 29 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on May 10, 2006.

City Planning Commission Public Hearing

On April 26, 2006 (Calendar No. 5), the City Planning Commission scheduled May 10, 2006, for a public hearing on this application (N 060413 ZRK). The hearing was duly held on May 10, 2006 (Calendar No. 26). There was one speaker in opposition to the application.

A representative of the New York State Assembly member from the 53rd District expressed support for the City Planning Commission's application of the Inclusionary Housing Program to a private site, and for maximum on-site affordable housing as part of the Kedem development. However, the speaker expressed opposition to the proposed text amendment because it does not mandate that affordable housing be located on site.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 02-020.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this amendment of the Zoning Resolution (N 060413 ZRK), is appropriate.

Several recent rezoning actions initiated by the Department of City Planning, including the Greenpoint-Williamsburg and South Park Slope rezonings, have included an Inclusionary Housing bonus in areas being rezoned to encourage housing development, in order to promote affordable housing in conjunction with new development. The subject application from the Department would apply this incentive to the privately proposed Kedem rezoning as well as any future applications to establish R7-3 districts in Community District 1, Brooklyn.

This application of the Inclusionary Housing program is consistent with the Commission's prior actions to encourage affordable housing in new developments in Greenpoint-Williamsburg. While the Commission is pleased when private applicants, such as the applicant for the Kedem rezoning, indicate their willingness to provide affordable housing units at levels comparable to those under the Inclusionary Housing program, it believes that application of the Inclusionary Housing program is preferable to ad hoc approaches and will serve to ensure consistent administration and effective oversight of the affordable housing.

With regard to testimony regarding on-site affordable housing, the Commission notes its continuing support for the development of affordable housing and creation of economically integrated neighborhoods in Greenpoint-Williamsburg. Consistent with the Inclusionary Housing program recently applied in this area and in other areas where the Inclusionary Housing program is applicable, the proposed zoning text allows affordable units to be provided on site, off site or through preservation of existing affordable units. The Commission notes that with the adoption of the Greenpoint-Williamsburg rezoning, the City Council and State legislature cooperated to modify tax policy to further encourage on-site affordable housing in the rezoned area.

RESOLUTION

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

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 the consideration and findings 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:

Underlined matter 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

* * *

23-922

Community Districts 1 and 7, Borough of Brooklyn

The Inclusionary Housing Program shall apply in the following areas:

- (a) In the following areas of Community District 1, in the Borough of Brooklyn, located in an area bounded by South 5th Street, Grand Street Extension/Borinquen Place, Union Avenue, Metropolitan Avenue, Humboldt Street, Meeker Avenue, Russell Street, Engert Avenue, McGuinness Boulevard, the Newtown Creek, and the East River:
 - (1) Waterfront Access Plan BK-1, as set forth in Section 62-352;
 - (2) all #Special Mixed Use Districts#;
 - (3) all R6A, R6B and R7A Districts; and
 - (4) R6 Districts within the following areas:
 - (i) the #block# bounded by Havemeyer Street, North Sixth Street, Metropolitan Avenue and North Fifth Street;
 - (ii) the #block# bounded by Roebling Street, North Fifth Street, Havemeyer Street, Metropolitan Avenue, and North Fourth Street;
 - (iii) those #blocks# bounded by Wythe Avenue, Grand Street, Berry Street and South Third Street;
 - (iv) those #blocks# and portions of #blocks# bounded by Bedford Avenue, North 1st Street, Driggs Avenue, Fillmore Place, Roebling Street, and a line coincident with the centerline of the long dimension of the #blocks# bounded by Bedford Avenue, Grand Street, Roebling Street and South First Street;

- (v) that portion of the #block# bounded by Havemeyer Street, Hope Street, Marcy Avenue, and South First Street that is within 100 feet of Grand Street; and
- (vi) that portion of the #block# bounded by Franklin Street, Huron Street, Manhattan Avenue and India Street that is within 100 feet of Franklin Street and 100 feet of India Street.

(b) In Community District 1, in the Borough of Brooklyn, in all R7-3 districts.

~~(b)~~(c) In Community District 7, in the Borough of Brooklyn, in all R8A districts.

* * *

**23-942
In Community Districts 1 and 7, Borough of Brooklyn**

The provisions of this Section 23-942 shall apply in the designated areas set forth in Section 23-922, except within Waterfront Access Plan BK-1 and in R7-3 districts within Community District 1, Borough of Brooklyn.

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**Chapter 2
Special Regulations Applying in the Waterfront Area**

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**62-322
Residential development In R1, R2, R6, R7, R8, R9 and R10 Districts**

For #residential buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) through Section 23-15 (Maximum Floor Area Ratio in R10 Districts) shall not apply, ~~except as provided in Section 62-323.~~ In lieu thereof, the maximum #floor area ratio# and #lot coverage# for any #building or other structure# on a #zoning lot# within a #waterfront block# shall be as specified in the following table, except as provided for in Sections 62-323 (Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and 62-35 (Special Bulk Regulations in Certain Areas in Community District 1, Brooklyn):

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR RESIDENTIAL BUILDINGS

District	Maximum #Floor Area Ratio#	Maximum #Lot Coverage# (in percent)
R1 R2	.50	35
R6B	2.00	60
R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9 R9A	7.52	70
R9-1 R9X	9.00	70
R10	10.00*	70

* In R10 Districts, the #floor area ratio# for any #building# on a #zoning lot# within a #waterfront block# may be increased to a maximum of 12.0 pursuant to Section 23-90 (INCLUSIONARY HOUSING).

* * *

62-35

Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn within ~~Waterfront Access Plan BK-1~~

In R7-3 Districts in Community District 1, Borough of Brooklyn, and Wwithin Waterfront Access Plan BK-1, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

62-351

Special floor area regulations

- (a) Maximum permitted #floor area ratio#

In R6 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 2.43.

In R7-3 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 3.75.

In R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 4.88.

In R6, R7-3 and R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# may be increased for #developments# and #enlargements# that provide #lower income housing# pursuant to Section 62-352 (Inclusionary Housing).

- (b) #Buildings# used for #accessory# off-#street# parking spaces

Within Waterfront Access Plan BK-1, Tthe #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

62-352

Inclusionary Housing

The provisions of Section 23-90 (INCLUSIONARY HOUSING) shall apply in R7-3 Districts in Community District 1, Borough of Brooklyn and in R6 and R8 Districts within Waterfront Access Plan BK-1 as modified in this Section.

* * *

(b) #Floor area# increase

- (1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0; provided that:
 - (i) at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#; or
 - (ii) at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households# and at least 15 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#.

- (2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75 provided that:
 - (i) at least 7.5% of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#, or
 - (ii) at least 5% of the total #residential floor area# on the #zoning lot# is occupied by #lower income households# and at least 5% of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#.

Where #lower# or moderate #income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households, pursuant to this Section, shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonused pursuant to this Section.

* * *

62-354

Special height and setback regulations

Within Waterfront Access Plan BK-1, ¶the provisions of Section 62-341 (Developments on land and platforms) are modified as follows:

* * *

The above resolution (N 060413 ZRK), duly adopted by the City Planning Commission on May 22, 2006 (Calendar No. 1), 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.

AMANDA M. BURDEN, AICP, Chair

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