

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:**  
**WEDNESDAY, MAY 6, 2009**  
**9:30 A.M. NYC COLLEGE OF TECHNOLOGY**  
**KLITGORD AUDITORIUM, 285 JAY STREET, BROOKLYN, NY**

**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	N 090262 ZRM	4, 5	ARC RAILROAD PASSENGER STATION	Scheduled to be Heard 5/20/09
2	C 090263(A) ZSM	4, 5	" "	" "
3	C 090263 ZSM	4, 5	" "	" "
4	C 090220 PPM	4	HUDSON RIVER PIERS 92 AND 94	" "
5	C 090221 ZSM	4	" "	" "
6	C 090222 ZSM	4	" "	" "
7	C 080088 ZSM	4	111 8 <sup>TH</sup> AVENUE	" "
8	C 070429 MMQ	6	DOT GLENDALE MAINTENANCE YARD	" "
9	C 090320 PPQ	7	COLLEGE POINT CORPORATE PARK DISPOSITION	" "
10	N 090316 ZRY	CW	INCLUSIONARY HOUSING TEXT AMENDMENT	" "
11	C 090249 PPX	9	NORTH ZEREGA INDUSTRIAL SITE	Favorable Report Adopted
12	C 070504 ZMK	6	111 UNION STREET REZONING	" "
13	C 090366 PCQ	7	GRACE ASPHALT PLANT	" "
14	N 090185 ZRR	1, 2, 3	CROSS ACCESS TEXT AMENDMENT	Fav. Report Adopted, as modified
15	N 090317 ZRY	CW	PRIVATELY OWNED PUBLIC PLAZAS TEXT AMENDMENT	Fav. Report Adopted, as modified
16	C 090313 ZMK	18	CANARSIE REZONING	Hearing Closed
17	C 090284 ZMK	13	BRIGHTON BEACH REZONING	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		11	12	13	14	15									
Amanda M. Burden, FAICP, Chair		Y	Y	Y	Y	Y									
Kenneth J. Knuckles, Esq., Vice Chairman		Y	Y	Y	Y	Y									
Angela M. Battaglia															
Irwin G. Cantor, P.E.		Y	Y	Y	Y	Y									
Angela R. Cavaluzzi, AIA		Y	Y	Y	Y	Y									
Alfred C. Cerullo, III		Y	Y	Y	Y	Y									
Betty Y. Chen		Y	Y	Y	Y	Y									
Maria M. Del Toro		Y	Y	Y	Y	Y									
Richard W. Eaddy		Y	Y	Y	Y	Y									
Nathan Leventhal		Y	Y	Y	Y	Y									
Shirley A. McRae		Y	Y	Y	Y	Y									
John Merolo		Y	Y	Y	Y	Y									
Karen A. Phillips, Commissioners		Y	Y	Y	Y	Y									

MEETING ADJOURNED AT: 3:55

Commissioner Battaglia was not present for the votes.



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

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**CITY PLANNING COMMISSION**

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**WEDNESDAY, MAY 6, 2009**

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**MEETING AT 9:30 A.M. AT THE NEW YORK CITY  
COLLEGE OF TECHNOLOGY, KLITGORD AUDITORIUM  
285 JAY STREET, BROOKLYN, NEW YORK  
(BETWEEN TILLARY AND JOHNSON STREETS)**



**Michael R. Bloomberg, Mayor**

**City of New York**

**[No. 9]**

**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)**

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**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)). The availability of these documents on-line will occur earlier than the current printed documents.

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. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

**For Calendar Information:** call (212) 720-3368, 3369, 3370.

**Note to Subscribers:** Notify us of change of address including E-mail by writing to:

**City Planning Commission**  
Calendar Information Office  
22 Reade Street - Room 2E  
New York, New York 10007-1216

**B**  
**CITY PLANNING COMMISSION**

**22 Reade Street, New York, N.Y. 10007-1216**

- AMANDA M. BURDEN, FAICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, AIA**
- ALFRED C. CERULLO, III**
- BETTY Y. CHEN**
- MARIA M. DEL TORO**
- RICHARD W. EADDY**
- NATHAN LEVENTHAL**
- SHIRLEY A. MCRAE**
- JOHN MEROLO**
- KAREN A. PHILLIPS, 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.

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**Community Board Public Hearing Notices are available in the  
Calendar Information Office, Room 2E, 22 Reade Street,  
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for May 20, 2009 at Spector Hall, 22 Reade Street, New York at 10:00 a.m.

C

**GENERAL INFORMATION**

**HOW TO PARTICIPATE:**

**Signing up to speak:** Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in support of the proposal and those speaking in opposition.

**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 - Room 2E  
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject \_\_\_\_\_

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

Borough \_\_\_\_\_ Identification No.: \_\_\_\_\_ CB No.: \_\_\_\_\_

Position:    Opposed \_\_\_\_\_  
                  In Favor \_\_\_\_\_

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

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

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

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

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

**MAY 6, 2009**

**APPROVAL OF MINUTES OF the Regular Meeting of April 22, 2009**

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR WEDNESDAY, MAY 20, 2009**

**STARTING AT 10:00 A.M.  
AT SPECTOR HALL, 22 READE STREET  
NEW YORK, NEW YORK**

**BOROUGH OF MANHATTAN**

**Nos. 1, 2 & 3**

***ARC RAILROAD PASSENGER STATION***

**No. 1**

**CDs 4 & 5**

**N 090262 ZRM**

**IN THE MATTER OF** an application submitted by the Port Authority of New York and New Jersey, 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 VII, Chapter 4, concerning Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan.

Matter in underline is new, to be added;

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

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

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

**Article VII**

**Chapter 4**

**Special Permits by the City Planning Commission**

\* \* \*

**74-60**

**PUBLIC SERVICE OR TRANSPORTATION FACILITIES**

\* \* \*

**74-62**

### **Railroad Passenger Stations**

(a) In all districts, the City Planning Commission may permit the construction of railroad passenger stations, provided that the following findings are made:

- (a~~1~~) that the principal access for such #use# is not located on a local #street#;
- (b~~2~~) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas; and
- (c~~3~~) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than the #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;

- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
  - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
  - (ii) that the design of the facility will blend harmoniously with the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the City Planning Commission. The proposed site plan shall be referred to the affected Community Board, the local Council Member and the Borough President. The Chairperson shall not accept such site plan prior to sixty days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#.

The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) this Section.

**Resolution for adoption scheduling May 20, 2009 for a public hearing.**

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**No. 2**

**CDs 4 & 5**

**C 090263(A) ZSM**

**IN THE MATTER OF** an application submitted by the Port of Authority of New York and New Jersey and the New Jersey Transit pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 74-62(b)\* of the Zoning Resolution to allow:

1. to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and
2. to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35<sup>th</sup> Street, Broadway, Avenue of the Americas, West 33<sup>rd</sup> Street and Ninth Avenue, West 34<sup>th</sup> Street, Ninth Avenue, West 33<sup>rd</sup> Street and Tenth Avenue, and West 29<sup>th</sup> Street, Eleventh Avenue, West 28<sup>th</sup> Street and Twelfth Avenue, in C5-2, C6-4, C6-4.5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts.

\*Note: Section 74-62 is proposed to be change under a related concurrent application N 090263 ZRM for an amendment of the Zoning Resolution.

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 May 20, 2009 for a public hearing.**

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**No. 3**

**CDs 4 & 5**

**C 090263 ZSM**

**IN THE MATTER OF** an application submitted by the Port of Authority of New York and New Jersey and the New Jersey Transit pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-62(b)\* of the Zoning Resolution to allow:

3. to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and
4. to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35<sup>th</sup> Street, Broadway, Avenue of the Americas, West 33<sup>rd</sup> Street and Ninth Avenue, West 34<sup>th</sup> Street, Ninth Avenue, West 33<sup>rd</sup> Street and Tenth Avenue, and West 29<sup>th</sup> Street, Eleventh Avenue, West 28<sup>th</sup> Street and Twelfth Avenue, in C5-2, C6-4, C6-4.5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts.

\*Note: Section 74-62 is proposed to be change under a related concurrent application N 090263 ZRM for an amendment of the Zoning Resolution.

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 May 20, 2009 for a public hearing.**

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**Nos. 4, 5 & 6**

***HUDSON RIVER PIERS 92 AND 94***

**No. 4**

**CD 4**

**C 090220 PPM**

**IN THE MATTER OF** an application submitted by the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located at Piers 92 and 94, westerly of route 9A (Miller Highway) between West 51<sup>st</sup> and 55<sup>th</sup> streets (Block 1109, Lots 5 and 30) and p/o Marginal Street, Wharf or Place), pursuant to zoning.

**Resolution for adoption scheduling May 20, 2009 for a public hearing.**

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**No. 5**

**CD 4**

**C 090221 ZSM**

**IN THE MATTER OF** an application submitted by the Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51<sup>st</sup> Street and West 55<sup>th</sup> Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

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

**Resolution for adoption scheduling May 20, 2009 for a public hearing.**

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**No. 6**

**CD 4**

**C 090222 ZSM**

**IN THE MATTER OF** an application submitted by the Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-734(b) of the Zoning Resolution to modify the height and setback and length requirements of Section 62-342 (Developments on Piers) for a structure on a pier in connection with a proposed trade

exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51<sup>st</sup> Street and West 55<sup>th</sup> Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

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

**Resolution for adoption scheduling May 20, 2009 for a public hearing.**

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**No. 7**

***111 8<sup>TH</sup> AVENUE***

**CD 4**

**C 080088 ZSM**

**IN THE MATTER OF** an application submitted by 111 8<sup>th</sup> Avenue Parking LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 625 spaces on portions of the ground floor and cellar of an existing 17-story commercial building on property located at 111 8<sup>th</sup> Avenue (Block 39, Lot 1), in an M1-5 District.

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 May 20, 2009 for a public hearing.**

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**BOROUGH OF QUEENS**

**No. 8**

***DOT GLENDALE MAINTENANCE YARD***

**CD 6**

**C 070429 MMQ**

**IN THE MATTER OF** an application submitted by the Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 70<sup>th</sup> Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70<sup>th</sup> Avenue and 70<sup>th</sup> Road,

in accordance with Map No. 4998, dated December 15, 2008, and signed by the Borough President.

**Resolution for adoption scheduling May 20, 2009 for a public hearing.**

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**No. 9**

***COLLEGE POINT CORPORATE PARK DISPOSITION***

**CD 7**

**C090320 PPQ**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of nine (9) city-owned properties in the College Point Corporate Park, pursuant to zoning.

A list and description of the properties can be seen in the Queens Office of the Department of City Planning, 120-55 Queens Boulevard, Kew Gardens, Queens 11424.

**Resolution for adoption scheduling May 20, 2009 for a public hearing.**

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**CITYWIDE**

**No. 10**

***INCLUSIONARY HOUSING TEXT AMENDMENT***

**CITYWIDE**

**N 090316 ZRY**

**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 modifications of Section 23-90 (Inclusionary Housing Program); and various related Sections of the Zoning Resolution.

Matter in underline is new, to be added;

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

Matter with ## is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

**12-10  
DEFINITIONS**

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

Inclusionary Housing designated area (7/25/07)

An “Inclusionary Housing designated area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. ~~The locations of s~~Such #Inclusionary Housing designated areas# are identified in ~~Section 23-922~~ Appendix A of Article II, Chapter 3 of this Resolution or in Special Purpose Districts, as applicable.

\* \* \*

**Chapter 3  
Bulk Regulations for Residential Buildings in Residence Districts**

\* \* \*

**23-144  
In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-9452 (In Inclusionary Housing designated areas). The locations of such districts are specified in ~~Section 23-922~~ (Inclusionary Housing designated areas) Appendix A of this Chapter.

<u>Community District</u>	<u>Zoning District</u>
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 7, Brooklyn	R8A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

\* \* \*

**23-15  
Maximum Floor Area Ratio in R10 Districts**

R10

In the district indicated, except in #Inclusionary Housing designated areas#, the #floor area ratio# for any #building# on a #zoning lot# shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum #floor area ratio# of 10.0.

\* \* \*

**23-90  
INCLUSIONARY HOUSING**

**23-91  
General Provisions**

~~An Inclusionary Housing program is established in those areas designated in Section 23-92 (Applicability) to preserve and to promote a mixture of low to upper income housing in neighborhoods experiencing a shift to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-95.~~

**~~23-92  
Applicability~~**

**~~23-921  
R10 Districts~~**

~~The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions relating to such designated areas, and in all other R10 Districts, subject to the provisions of Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.~~

**~~23-922  
Inclusionary housing designated areas~~**

The Inclusionary Housing Program shall apply in the following areas:

- (a) ~~In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK-1, as set forth in Section 62-352, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:~~

*(map deleted)*

~~Map 1  
Portion of Community District 1, Brooklyn~~

*(map deleted)*

~~Map 2  
Portion of Community District 1, Brooklyn~~

~~(b) In Community District 1, in the Borough of Brooklyn, in the R7-3 Districts within the area shown on the following Map 3:~~

*(map deleted)*

~~Map 3  
Portion of Community District 1, Brooklyn~~

~~(c) In Community District 7, in the Borough of Brooklyn, in the R8A District within the area shown on the following Map 4:~~

*(map deleted)*

~~Map 4  
Portion of Community District 7, Brooklyn~~

~~(d) In Community District 2, in the Borough of Queens, in the R7X Districts within the areas shown on the following Maps 5 and 6:~~

*(map deleted)*

~~Map 5  
Portion of Community District 2, Queens~~

*(map deleted)*

~~Map 6  
Portion of Community District 2, Queens~~

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

*(map deleted)*

~~Map 7  
Portion of Community District 2, Brooklyn~~

~~(map deleted)~~

~~Map 8  
Portion of Community District 2, Brooklyn~~

~~(map deleted)~~

~~Map 9  
Portion of Community District 2, Brooklyn~~

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

~~(map deleted)~~

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

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

~~(map deleted)~~

~~Map 11  
Portion of Community District 3, Brooklyn~~

~~(map deleted)~~

~~Map 12  
Portion of Community District 3, Brooklyn~~

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

~~(map deleted)~~

~~Map 13  
Portion of Community District 6, Manhattan~~

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

*(map deleted)*

Map 14  
Portion of Community District 3, Manhattan

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

### **23-93**

#### **Definitions**

~~For the purposes of the inclusionary housing program this Section 23-90 (INCLUSIONARY HOUSING), 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 this Section 23-90 (INCLUSIONARY HOUSING), inclusive:~~

#### **Administering agent**

~~The An "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring, pursuant to a #regulatory agreement#:~~

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

~~The #administering agent# shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not-for-profit organization as the #administering agent# was unsuccessful. However, in #Inclusionary Housing designated areas#, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.~~

#### **Affordable floor area**

- (a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating 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# 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#.

**Affordable housing**

"Affordable housing" consists of:

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

**Affordable housing plan**

An "affordable housing plan" is a plan approved by #HPD# to #develop#, rehabilitate or preserve rental or #homeownership affordable housing# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), 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 Section 23-953 (Special 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;

(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 a #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#, 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# specified in the #guidelines#.

### **Compensated development**

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 23-953(d), a conversion of a non-#residential building#, or portion thereof, to #dwelling units#, that is located within a #compensated zoning lot# which receives an increased #floor area ratio# as a result of satisfying the requirements of the inclusionary housing program.

### **Compensated zoning lot**

A "compensated zoning lot" is a #zoning lot# that contains a #compensated development# and receives an increased #floor area ratio# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), 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# is complete and stating the #affordable floor area# of such #affordable housing#.

### **Development**

~~For the purposes of this program, a "development" is a #development# as defined in Section 12-10, or an #enlargement# of more than 50 percent of the #floor-area# of an existing #building#.~~

**Fair rent**

~~At initial occupancy of #lower income housing#, "fair rent" (the "Section 8 Standard") is an annual rent for each such housing equal to not more than either the public assistance shelter allowance if the #family# receives public assistance, or 30 percent of the annual income of the tenant of such housing, provided that such tenant is a #lower income household# at the time of initial occupancy pursuant to the provisions of this program.~~

~~Upon renewal of a lease for an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.~~

~~After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:~~

- ~~(a) — the then currently applicable "Section 8 Standard"; or~~
- ~~(b) — the Rent Stabilization Standard.~~

~~In order for rent to be #fair rent#, the following must also apply:~~

~~There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income household# responsible for the payment of utilities as long as the sum of:~~

- ~~(1) — the initial #fair rent#; and~~
- ~~(2) — the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment do not exceed 30 percent of said #lower income household's# income.~~

~~However, in # Inclusionary Housing designated areas#, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of #lower income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be~~

subject to the higher of the then currently applicable Section 8 Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing#, no portion of the #fair rents# shall be for the payment of the principal or interest on any debt, and the #lower income housing# shall not secure any debt and shall be free of all liens, except liens for real estate taxes, water charges and sewer rents and other governmental charges for which payment is not yet due. #Fair rents# may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and is for a capital improvement to such #lower income housing# other than those capital improvements set forth in the #lower income housing plan#.

In # Inclusionary Housing designated areas#, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-95, paragraph(c), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

#### **Inclusionary Housing designated areas**

“Inclusionary Housing designated areas” shall be those areas specified in Section 23-922 (Inclusionary Housing designated areas).

#### **Lower income household**

A "lower income household" is a #family# having an income equal to or less than the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

In #Inclusionary Housing designated areas#, #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

#### **Lower income housing**

~~"Lower income housing" are #standard units# occupied or to be occupied by #lower income households#. #Lower income housing# shall not include #standard units# assisted under city, state or federal programs, except where such assistance is in the form of:~~

- ~~(a) — real estate tax abatements and exemptions which are specifically limited to the #lower income housing#; or~~
- ~~(b) — operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5 percent of the "80 Percent of SMSA Limits" to afford such #lower income housing#.~~

~~However, in # Inclusionary Housing designated areas#, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.~~

#### **Lower income housing plan**

~~The "lower income housing plan," is the plan accepted by the Commissioner of Housing Preservation and Development, which sets forth the developer's plans for creating and maintaining the specified #lower income housing# pursuant to this program, including but not limited to, choice of #administering agent#, tenant selection, rent levels in the #lower income housing# and income verification of tenants pursuant to paragraphs (b), (c) and (d) of Section 23-95.~~

#### **Standard unit**

A "standard unit" is a:

- ~~(a) — #dwelling unit#;~~
- ~~(b) — #rooming unit#; or~~
- ~~(c) — room used for sleeping purposes in a non profit institution with sleeping accommodations, which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program.~~

~~In each case, it shall be free of violations (and located in a #building# in which the common areas are free of violations) under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution as noted in or issued by a city or state agency as of the date of acceptance of the #lower income housing plan#.~~

~~In #standard units#, all windows shall be double glazed.~~

#### **Eligible common area**

"Eligible common area" includes any #residential floor area# in a #generating site# 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#.

### **Floor area compensation**

"Floor area compensation" is any additional #residential floor area# permitted in a #compensated development# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

### **Generating site**

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

### **Guidelines**

The "guidelines" are the guidelines adopted by #HPD# pursuant to paragraph (k) of Section 23-96 (Requirements for Generating 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 index**

The "income index" is 125 percent of the income ceiling established by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for low-income families receiving housing assistance payments in New York City, 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 ceiling 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#, in a manner consistent with the standards and methodology in effect on [date of enactment].

### **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#.

**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**

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#.

**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(e) (Special requirements for rental #preservation affordable housing#) or Section 23-962(f) (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#.

**Regulatory agreement**

A "regulatory agreement" is an agreement between #HPD# and the owner of the #affordable housing# that requires compliance with all applicable provisions of an #affordable housing plan#, Section 23-90 (INCLUSIONARY HOUSING), inclusive 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#.

**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(f) (Special requirements for rental #substantial rehabilitation affordable housing#) or Section 23-962(g) (Special requirements for homeownership substantial rehabilitation affordable housing), as applicable.

**Super's unit**

A "super's unit" is, in any #generating 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#, 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), as subsequently adjusted in accordance with #rent stabilization#.

**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#; and
- (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#.

**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#; and
- (b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and
- (c) such #generating site# is not a #compensated development#.

### **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 23-913:

#### **Appreciated price**

The “appreciated price” for any #homeownership affordable housing unit# is the #initial price# of such #homeownership affordable housing unit# plus the product of such #initial price# and the #appreciation index# at the time of #resale#.

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

#### **Appreciation Index**

The “appreciation index” is a fraction expressing the permitted increase in the #resale# price of #homeownership affordable housing units#. The numerator of such fraction represents the percentage increase since the initial #sale# permitted pursuant to the annual rate of increase established by #HPD# for the #resale# price of #homeownership affordable housing units#, plus 100, and the denominator is 100. #HPD# shall initially set such annual rate of increase at 5 percent per year and may adjust such rate 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# 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#.

### **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 an #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#:

(i) \_\_\_\_\_ be, at initial #sale#, a #low income household#, #moderate income household#, or #middle income 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; or

(ii) \_\_\_\_\_ be, at #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, or #middle income households#, 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;

(iii) \_\_\_\_\_ have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#; and

- (iv) meet such additional eligibility requirements as may be specified in the #guidelines#.
- (b) in the case of #succession#:
  - (i) have an income no greater than product of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to the #homeownership affordable housing unit# at #initial sale#, and taking into account any subsequent adjustments, multiplied by the #appreciation index#; and
  - (ii) meet such additional eligibility requirements as may be specified in the #guidelines#.

Δ #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#.

#### **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#.

#### **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**

An “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, 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 thus to promote the general welfare. The requirements of this program are set forth in this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of this Section 23-90 (INCLUSIONARY HOUSING), 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 (date of enactment)**

Any #lower income housing plan#, as defined by Section 23-93 of this Resolution prior to (date of enactment), 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(e), as such Section existed prior to (date of enactment), shall be governed solely by the regulations in effect prior to (date of enactment) unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, Sections 23-954(b) and (c) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after (date of enactment).

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 of this Resolution prior to (date of enactment), provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to (date of enactment), 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) shall not apply, and paragraph (a) of Section 23-94 (Floor Area Compensation) as such section existed prior to (date of enactment) shall apply;

Any previously approved #lower income housing plan#, as such term was defined prior to (date of enactment), and any legal document related thereto, may be modified by #HPD#, to apply the provisions of Section 23-961(b) (Monthly Rent) 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 Section 23-952. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of Section 23-951 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

**23-933**  
**Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in #inclusionary housing designated 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# within the special purpose district.

#Inclusionary Housing designated areas# are listed in Appendix A of this Chapter.

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

(a) #Affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation 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# shall be determined based upon plans for such #generating 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# 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#.

### **23-95**

#### **Floor Area Compensation Compensated Zoning Lots**

### **23.941951**

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

The #residential floor area ratio# of a #compensated zoning lot development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if ~~the developer of such #compensated zoning lot development# provides #lower income affordable housing# that is restricted to #low income floor area# pursuant to Section 23-95 (Lower Income Housing Requirements).~~

For each square foot of #floor area# provided for ~~#lower income~~ a type of #affordable housing# listed in Column A and which meets the requirements set forth in Section 23-95, the #floor area# of the #compensated zoning lot development# may be increased by the number of square feet set forth in Column B. 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

Column A	Column B
<del>On-site Without #public funding#:</del>	
<del>#New Construction Affordable Housing# or #Substantial Rehabilitation Affordable Housing#</del>	<del>3.75</del>
<del>Without #public funding#:</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>
<del>On-site Substantial Rehabilitation</del>	<del>3.2</del>
<del>Off-site New Construction (Private Site)</del>	<del>4.0</del>
<del>Off-site New Construction (Public Site)*</del>	<del>2.5</del>
<del>Off-site Substantial Rehabilitation (Private Site)</del>	<del>3.7</del>

~~\* ——— Public sites are those made available for this program by a public agency at nominal cost.~~

~~Each structure erected and recorded as a separate #building# at the Department of Buildings as of January 1, 1987, may be considered individually in determining if #lower income housing# provided pursuant to this program shall be considered as substantial rehabilitation or preservation.~~

**23-9452**

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

The provisions of this Section shall apply in ~~the~~ #Inclusionary Housing 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 .

(a) Maximum #residential floor area ratio#

The #residential floor area# of a #development# or #enlargement# #zoning lot# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased on a #compensated zoning lot# by ~~one and one-quarter~~ 1.25 square feet for each square foot of #low income floor area# provided for ~~#lower income~~, up to the maximum #floor area ratio# specified in

the table. However, the amount of ~~#lower income~~ low income floor area# required to receive such ~~bonus~~ #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, ~~in-on the #building-compensated zoning lot#~~. ~~In addition, the following rules shall apply:~~

District	Base #floor area ratio#	Maximum #floor area ratio#
R6*	2.2	2.42
R6** <u>R6A</u>	2.7	3.6
<del>R6A</del>	<del>2.7</del>	<del>3.6</del>
R6B	2.0	2.2
R7A	3.45	4.6
R7D	4.2	5.6
R7X	3.75	5.0
R8, R8A	5.40	7.2
R9	6.0	8.0
R9A	6.5	8.5
R10	9.0	12.0

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\* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

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

~~(b) Height and setback~~

~~(1) Except in #Special Mixed Use Districts#, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Sections 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.~~

~~(2) In #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.~~

~~(e) #Lower income housing# requirements~~

~~The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements).~~

### **23-953**

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

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

Within a #general large-scale development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph ~~(a)(d)~~, inclusive, modify the provisions of paragraphs (a) and (e) of this Section, Section 23-93 (Definitions) and Section 23-95 (Lower Income Housing Requirements)<sup>952</sup> (In inclusionary housing designated areas):

(1) ~~For the purposes of this paragraph, (d), inclusive, the definitions of #moderate income household# and #fair rent# in Section 93-231 (Definitions) shall apply.~~

~~“Moderate income housing” shall be defined as #standard units# occupied or to be occupied by #moderate income households#, and “middle income housing” shall be defined as #standard units# occupied or to be occupied by #middle income households#. #Moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of the definition of #lower income housing plan# in Section 23-93.~~

(2) The #residential floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the table in Section 23-942, except that the #floor area# of a #development# or #enlargement# may be increased up to the maximum #floor area ratio# specified in the table in 23-942, as follows:

~~(i) the #floor area# of a #development# or #enlargement# may be increased by one and one quarter square feet for each~~

~~square foot of #floor area# provided for #lower income housing#;~~

~~(ii) the #floor area# of a #development# or #enlarge ment# may be further increased by 0.833 square feet for each one square foot of #moderate income floor area# provided for #moderate income housing#, or by 0.625 square feet for each one square foot of #middle income floor area# provided for #middle income, provided that for each square foot of such #floor area compensation# increase pursuant to this paragraph, (d)(2)(ii), there is one square foot of #floor area compensation# increase pursuant to paragraph (d)(2)(i) of this Section 23-952;~~

~~(iii)(2) However, the amount of #affordable lower income housing# #moderate income housing# and #middle income housing# required to receive such bonus #floor area compensation# need not exceed the amounts specified in this paragraph (d)(2)(iii). If #affordable housing# is provided for both #low income and #moderate income housing# and #lower income housing# are provided households#, the amount of #moderate income housing 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 #lower #low income housing 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 housing households# and #lower income housing# are provided households#, the amount of #middle income housing 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 #lower income #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#.~~

~~(3) The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements), except that:~~

~~(i) the provisions of paragraphs (a), (b) and (e)(i) of Section 93-233 shall apply; and~~

~~(ii) #moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of Sections 23-951, 23-952 and 23-953.~~

- (b) Within R6 and R8 districts in Waterfront Access Plan BK-1 and R7-3 Districts within Community District 1, Borough of Brooklyn, #affordable housing# may be provided that is restricted to #moderate income floor area#, in accordance with the provisions of Section 62-352.
- (c) Within the #Special Hudson Yards District# and the #Special West Chelsea District#, #affordable housing# may be provided that is restricted to #moderate income floor area# or #middle income floor area#, in accordance with the provisions of Sections 93-23 and 98-26, respectively.
- (d) Within the #Special West Chelsea District#, conversions of non-#residential buildings#, or portions thereof, to #dwelling units#, that exceed the maximum #floor area ratio# specified in Section 98-22, shall be subject to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, as modified by Section 98-26.

#### **23-954**

##### **Additional requirements for compensated developments**

- (a) Height and setback in #inclusionary housing designated areas#
  - (1) In #inclusionary housing designated areas#, except within #Special Mixed Use Districts#, the #compensated development# must comply with the height and setback regulations of Sections 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.
  - (2) In #inclusionary housing designated areas# within #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the #compensated development# must comply with the provisions of paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the #compensated development# must comply with the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.
- (b) Compensated 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# 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 (i) the #regulatory agreement date#, or (ii) 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. 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#.

(c) Compensated 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# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation#. However, where any #story# of a #compensated 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# 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#.

### **23-956**

#### **Lower Income Housing Requirements for Generating Sites**

~~To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing# for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Sections 23-951, 23-952 and 23-953, and such #lower income housing# must meet each of the following requirements:~~

~~(a) — Standards~~

~~All #lower income housing# shall be in #standard units#. Except in #buildings# in which all #standard units# are occupied by #lower income housing#, the #floor area# devoted to #lower income housing# shall be considered only the #floor area# within the perimeter walls of the #standard units# of the #lower income housing# and a pro rata share of the common areas of the #building# exclusive of those common areas for which a fee is charged to #lower income households# for its use. In #buildings# in which all of the #standard units# are occupied by #lower income housing#, all of the #residential floor area# shall be considered as devoted to #lower income housing#.~~

~~(b) — Tenant selection~~

~~All incoming households of #standard units# in #lower income housing# must be #lower income households#.~~

~~Sublessees of a #lower income household# must also be #lower income households#. The #administering agent# shall verify the income of such sublessee households prior to their occupancy of the #lower income housing#, to assure that such households are #lower income households#.~~

~~On and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty:~~

~~(1) — to maintain in a habitable condition all #lower income housing#; and~~

~~(2) — to rent such housing to #lower income households#.~~

~~This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower income households# or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.~~

~~(c) — Rent levels~~

~~All #standard units# in #lower income housing# shall be rented at #fair rents#. The total average annual rent for all #lower income housing# approved pursuant to a #lower income housing plan# shall not exceed an amount equal to the reasonable maintenance, operation, administration and contingency costs for such year as determined by the Commissioner of the Department of Housing Preservation and Development.~~

~~(d) — Income verification~~

~~Prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower income households#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower income households#.~~

~~(e) — Lower income housing plan~~

~~A #lower income housing plan# acceptable to the Commissioner of Housing Preservation and Development shall be prepared and followed by the developer.~~

~~Such plan shall include the building plans, indicate the #floor area# devoted to #lower income housing# and shall demonstrate the feasibility of creating and maintaining the specified #lower income housing# required in accordance with the Inclusionary Housing program, including demonstrating that:~~

- ~~(1) — the #lower income housing# will be managed and operated by a responsible #administering agent#;~~
- ~~(2) — there will be sufficient income to provide for adequate maintenance, operation and administration of the #lower income housing#; and~~
- ~~(3) — tenant selection will be on an equitable, non discriminatory basis and achieves a reasonable range of tenant incomes within the permitted income levels and rent levels established pursuant to this program.~~

~~A restrictive declaration, satisfactory to the Commissioner of Housing Preservation and Development, shall be recorded against the #zoning lot# on which the #lower income housing# is constructed and shall set forth the obligations, running with such #zoning lot#, of the owner and all its successors in interest to provide #lower income housing# in accordance with the #lower income housing plan#. The #lower income housing plan# shall be incorporated by reference into the restrictive declaration, and attached as an exhibit thereto.~~

~~No later than the date on which a #lower income housing plan# is first submitted to the Department of Housing Preservation and Development, a copy of the plan shall be submitted to the affected Community Board(s). Such Community Board(s) shall have 45 days to review said plan. No #lower income housing~~

~~plan# shall be accepted by the Commissioner of Housing Preservation and Development during the Community Board review period.~~

~~A copy of any #lower income housing plan# that is accepted by the Commissioner of Housing Preservation and Development within 24 months of May 21, 1987, shall be furnished by the developer to the Department of City Planning immediately after such acceptance.~~

~~(f) — Permits and certificates of occupancy~~

~~No building permit for the #compensated development# shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.~~

~~No temporary certificate of occupancy shall be issued for any part of the #compensated development# until a temporary certificate of occupancy for each unit of #lower income housing# has been issued or, in #R6, R7 and R8 designated areas#, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.~~

~~No permanent certificate of occupancy shall be issued for any part of the #compensated development# until a permanent certificate of occupancy for each unit of the #lower income housing# has been issued or, in #R6, R7 and R8 designated areas#, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. Prior to the issuance of any temporary or permanent certificate of occupancy for the #compensated development#, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.~~

~~(g) — Insurance~~

~~The #administering agent# of the #lower income housing# shall have said housing insured against any damage or destruction in an amount equal to no less than the replacement value of such housing.~~

~~Any insurance proceeds received as a result of damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to #lower income housing#, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution. However, in #R6, R7 and R8 designated areas#, the Commissioner of Housing Preservation and Development may modify this requirement to provide priority for lenders participating in the~~

~~financing of #lower income housing# that is assisted under City, State or Federal programs.~~

~~(h) — Obligations for life of increased #floor area#~~

~~The obligation to provide a specified amount of #lower income housing# shall run with the #zoning lot# containing such #lower income housing# for the life of the increased #floor area# of the #compensated development#. In the event any portion of such housing is damaged or destroyed, no #floor area# may be replaced on said #zoning lot# unless such #floor area# contains the specified amount of #lower income housing#.~~

~~(i) — Single #building# for #lower income housing#~~

~~Any #building# may contain #lower income housing# that satisfies the requirements of this program for more than one #compensated development#, provided that no #floor area# in the #lower income housing# is counted more than once in determining the amount of increased #floor area# for #compensated developments#.~~

~~(j) — Subsequent compensation~~

~~The Commissioner of Housing Preservation and Development may certify that a #lower income housing plan# is in compliance with the requirements of this program and that #lower income housing# is in compliance with said plan prior to the filing of plans for a #compensated development#. #Developments# may subsequently be compensated with additional #floor area# under this program for such #lower income housing#.~~

~~(k) — Applicability to rent regulation~~

~~Notwithstanding the provisions herein, no provision shall be applicable to tenants occupying units subject to the rent stabilization law or the rent control law, if such provision would be inconsistent with the rights of such tenants.~~

~~To provide for the effective implementation of the Inclusionary Housing program, guidelines consistent with and in furtherance of the purposes and intent of such program shall be adopted, and may be modified, as follows:~~

~~The Commissioner of Housing Preservation and Development shall develop guidelines for #lower income housing plans#, in consultation with the Board of Estimate, which shall be submitted to the Board of Estimate in time for consideration by the Board at its next regular meeting following the adoption of this Section. Such guidelines shall take effect as submitted, unless modified by the Board at the next meeting following such meeting, in which case the guidelines shall take effect as modified. The guidelines may be modified from time to time by the Commissioner of Housing Preservation and Development, provided, however, that the Commissioner of Housing Preservation and~~

~~Development shall, within one year of initial adoption of the guidelines, submit the then existing guidelines to the Board, and the Board may, within thirty days of the first regular meeting following submission, modify such guidelines. If the Board does not modify such guidelines as herein provided, the then existing guidelines shall continue in effect. Thereafter, the Board may, not more frequently than once a year, request the Commissioner of Housing Preservation and Development to submit the then existing guidelines to the Board.~~

~~The Board may, within thirty days of the first regular meeting following submission modify such guidelines. If the Board does not modify such guidelines as herein provided, the then existing guidelines shall continue in effect. Any plan submitted to the Commissioner of Housing Preservation and Development under the then existing guidelines shall not be affected by any subsequent modification thereto.~~

### **23-951**

#### **~~On-site new construction option~~**

~~To qualify for this option, the designated #lower income housing# shall meet the following requirements:~~

- ~~(a) — The #lower income housing# shall be located in newly constructed #floor area# in the #compensated development#. The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.~~
- ~~(b) — #Dwelling units# designated as #lower income housing# shall be distributed throughout the #development#. No #story# shall contain more than two such units unless at least 80 percent of all #stories# contains two such units. The size of the designated #lower income housing# units shall at least be distributed among the various size units in proportion to the total distribution of unit size within the #building# in the following categories of unit sizes:~~

- ~~under 600 net square feet~~
- ~~600 — 749 net square feet~~
- ~~750 — 949 net square feet~~
- ~~950 — 1149 net square feet~~
- ~~1150 or more net square feet~~

~~In #Inclusionary Housing designated areas#, if the #lower income housing# is subject to the requirements of City, State or Federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.~~

**23-952****Substantial rehabilitation and off-site new construction options**

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

- (a) ~~The #lower income housing# shall be located either:~~
- (1) ~~within the same Community District as the #compensated development#; or~~
  - (2) ~~within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.~~

~~For the new construction option the #lower income housing# shall be in a new #building#. For the substantial rehabilitation options, the #lower income housing# shall be in an existing #building# in which, prior to the submission of the #lower income housing plan# pursuant to this Section, any #residential# portion not in public ownership had been entirely vacant for not less than three years.~~

~~Furthermore, in # Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.~~

- (b) ~~The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.~~
- (c) ~~On-site substantial rehabilitation units shall be those units on the same #zoning lot# as the #compensated development#.~~

**23-953****Preservation option**

To qualify for this option, the designated #lower income housing# shall meet the following requirements:

- (a) ~~The #lower income housing# shall be located either:~~
- (1) ~~within the same Community District as the #compensated development#; or~~

- (2) ~~within an adjacent Community District and within a one half mile radius of the #compensated development#, except that #lower income housing# located within a one half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.~~

~~The #lower income housing# shall be in an existing occupied #residential# or #mixed building#. Only #standard units# occupied by #lower income households# shall be #lower income housing#. For each #standard unit# designated as #lower income housing# the #administering agent# shall verify the income of the household in tenancy.~~

~~Furthermore, in # Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.~~

- (b) ~~Rent charged to #lower income households# shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program, even though such increases may be permitted under other laws regulating maximum rent levels in these units.~~
- (c) ~~The Commissioner of Housing Preservation and Development may require any improvements to the #building# or to the housing necessary to ensure that, with normal maintenance, the #lower income housing# will continue to provide a decent, safe and sanitary living environment for the life of the increased #floor area# in the #compensated development#.~~
- (d) ~~The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area# in the #compensated development#.~~
- (e) ~~The developer of a #compensated development# must demonstrate to the satisfaction of the Commissioner of Housing Preservation and Development that, for three years prior to the submission of the #lower income housing plan#, no harassment occurred that resulted in removal of previous tenants of units proposed to become #lower income housing# preserved pursuant to this Section.~~

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

- (a) Location of Generating Site and Compensated Zoning Lot

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

- (1) the #generating site# and the #compensated zoning lot# shall be located within the same Community District; or

(2) the #generating site and the #compensated zoning lot# shall be located in adjacent Community Districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#. However, where the #compensated zoning lot# is located in Community District 1, Borough of Brooklyn, such adjacent Community District shall be located in the Borough of Brooklyn; in the #Special Downtown Jamaica District#, #affordable housing# shall be located in accordance with the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, #affordable housing# shall be located in accordance with 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 33 percent of the #dwelling units# and #rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not less than 33 percent of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#.

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# 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# 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#, other than any #super's unit#, are not #affordable housing units#, either:
  - (i) the #dwelling units# in the #generating 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# 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# that are #affordable housing units# shall contain one or more bedrooms.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that either 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; or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating 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, #HPD# may waive these requirements for any #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#, as specified in the #guidelines#.
- (3) All of the #supportive housing units# in a #generating site# shall be #affordable housing units# and shall contain such configuration as #HPD# shall require.

(d) Size of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# 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#.

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# 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# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating 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#, 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) An #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 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

- (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(c).
- (3) The #regulatory agreement# shall be recorded against all tax lots comprising the 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 Section 23-96(g) (Monthly Rent), 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# 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# 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# 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# shall run with the #zoning lot# containing such #generating 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) one hundred percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

(j) One Generating Site May Satisfy Requirements for Multiple Compensated Zoning Lots

Any #generating site# may contain #affordable housing# that satisfies the requirements of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, for more than one #compensated development#, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments#.

(k) Guidelines

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

**23-961**

**Additional Requirements for Rental Affordable Housing**

The following additional requirements shall apply # to rental #affordable housing# on a #generating 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. 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# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households#, provided that the #administering agent# determines that such #low income 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) 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#, except as may be otherwise provided in the #guidelines# with respect to #affordable housing units# receiving project-based rental assistance pursuant to Section 8 of the United States Housing Act of 1937, as amended. 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) 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#, except as may be otherwise provided in the #guidelines# with respect to #affordable housing units# receiving project-based rental assistance pursuant to Section 8 of the United States Housing Act of 1937, as amended. 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#.
- (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) 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) 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) The #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# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, 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# or #middle income 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

- (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 this 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.

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

The following additional requirements 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 following additional requirements 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#.

**Additional Requirements for Homeownership Affordable Housing**

The following additional requirements shall apply to #homeownership affordable housing# on a #generating 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#, 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#, 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 Section 23-962(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 Section 23-962(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.
- (3) Prior to any #resale# of an #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) An #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#, as applicable, and that upon #resale#, it is 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 an #homeownership affordable housing unit# during the preceding year complied with all applicable requirements on the #resale date#.

(d) Affordable Housing Plan

- (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(d)(3) shall apply.

(e) Housing Standards

The requirements of Section 23-96(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) Special requirements for #homeownership preservation affordable housing#.

The following additional requirements shall apply to #homeownership preservation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #residential building#.
- (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#.

(g) Special requirements for #homeownership substantial rehabilitation affordable housing#.

The following additional requirements shall apply to #homeownership substantial rehabilitation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating 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#, 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;
- (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 (Additional Requirements for Rental Affordable Housing ) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;

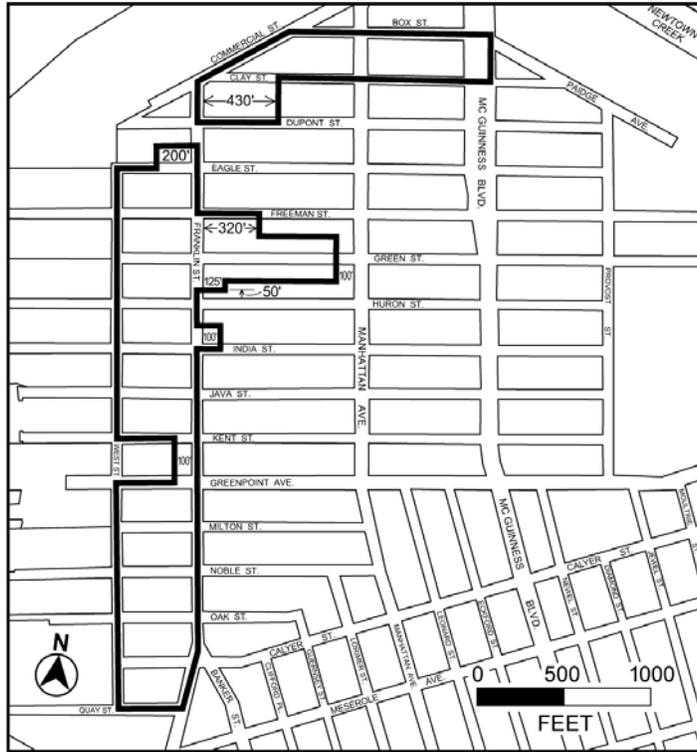
- (5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal 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#.

\* \* \*

**APPENDIX A**  
**INCLUSIONARY HOUSING DESIGNATED AREAS**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix A. The #residence districts# listed for such areas shall include #commercial districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

- (a) In Community District 1, in the Borough of Brooklyn, Waterfront Access Plan BK-1, as set forth in Section 62-352, and the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

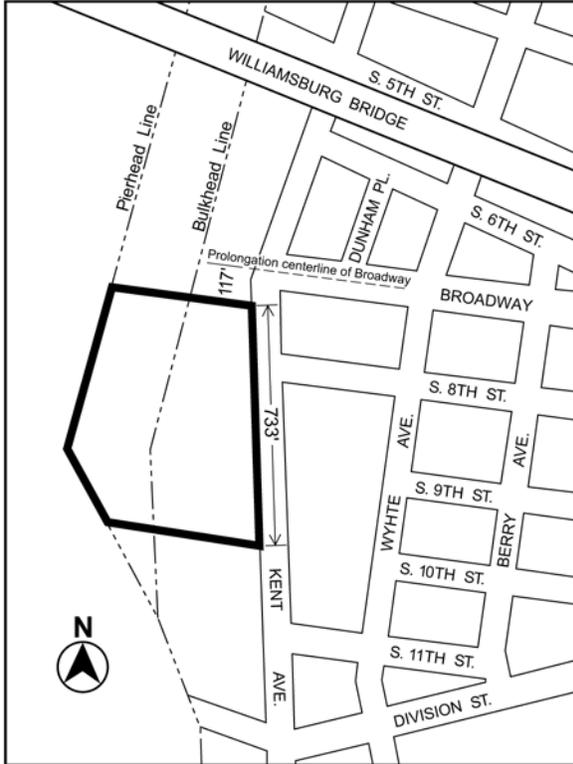


Map 1  
Portion of Community District 1, Brooklyn



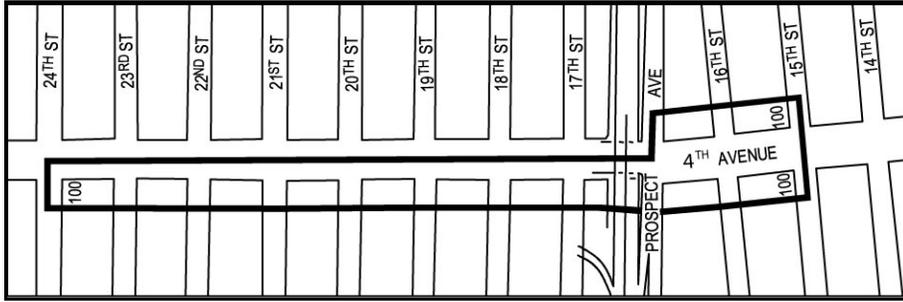
Map 2  
Portion of Community District 1, Brooklyn

(b) In Community District 1, in the Borough of Brooklyn, the R7-3 Districts within the area shown on the following Map 3:



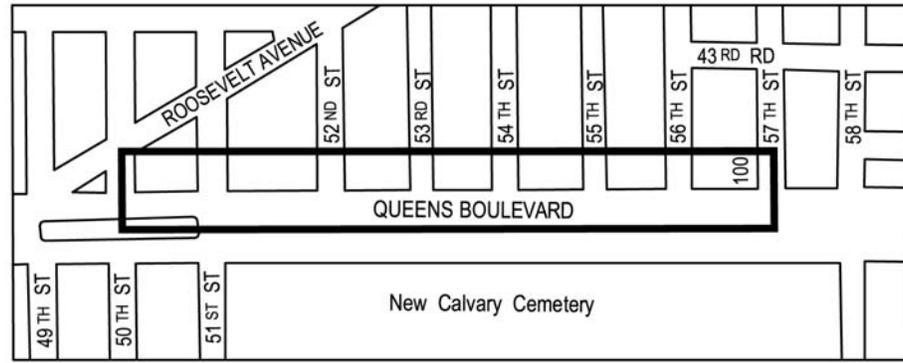
Map 3 Portion of Community District 1, Brooklyn

(c) In Community District 7, in the Borough of Brooklyn, the R8A District within the area shown on the following Map 4:

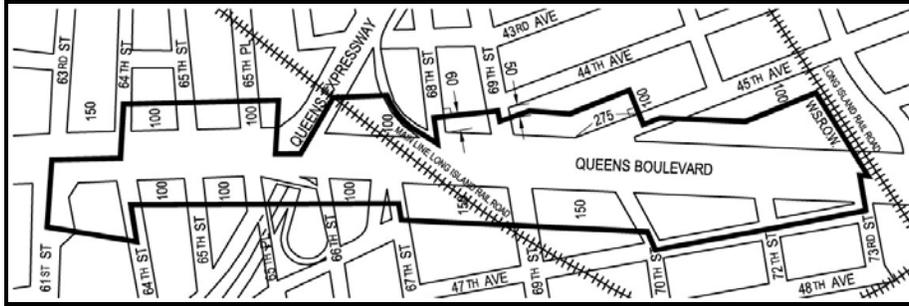


Map 4  
Portion of Community District 7, Brooklyn

(d) In Community District 2, in the Borough of Queens, the R7X Districts within the areas shown on the following Maps 5 and 6:

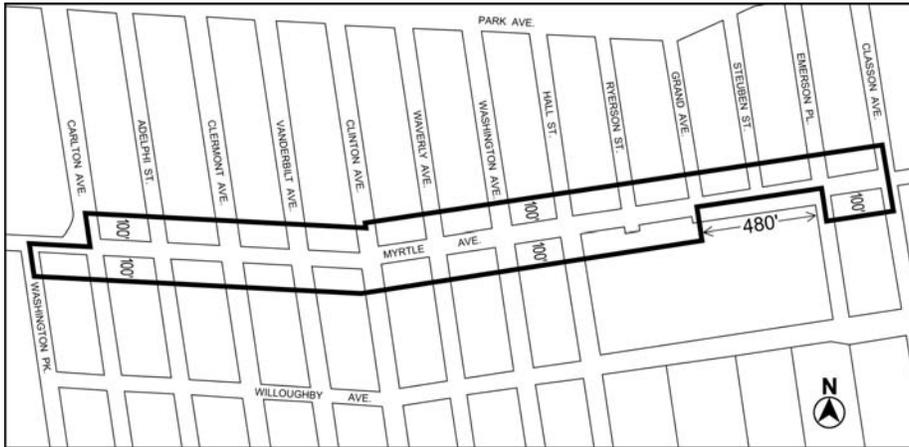


Map 5  
Portion of Community District 2, Queens

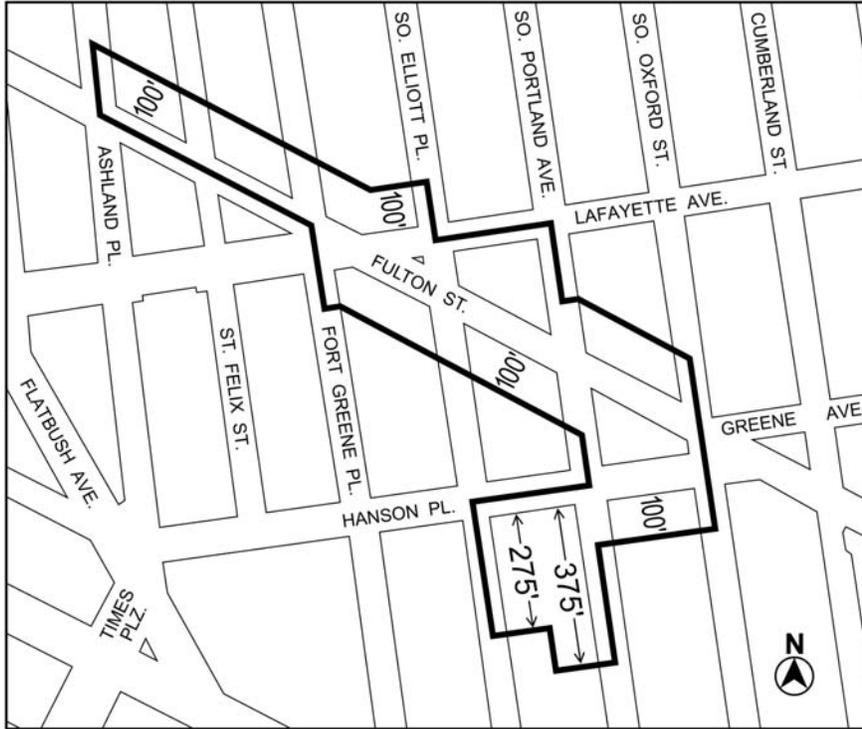


Map 6  
Portion of Community District 2, Queens

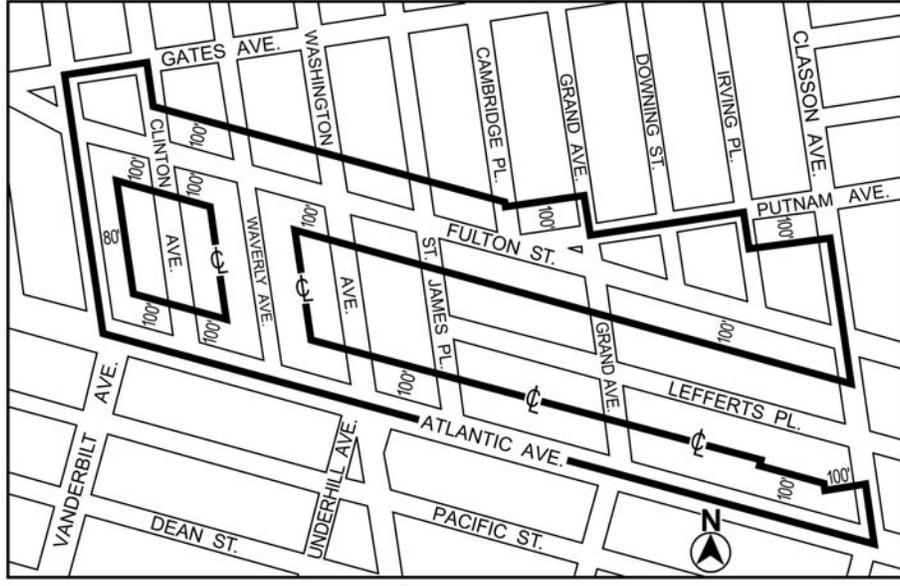
(e) In Community District 2, in the Borough of Brooklyn, the R7A Districts within the areas shown on the following Maps 7, 8 and 9:



Map 7  
Portion of Community District 2, Brooklyn

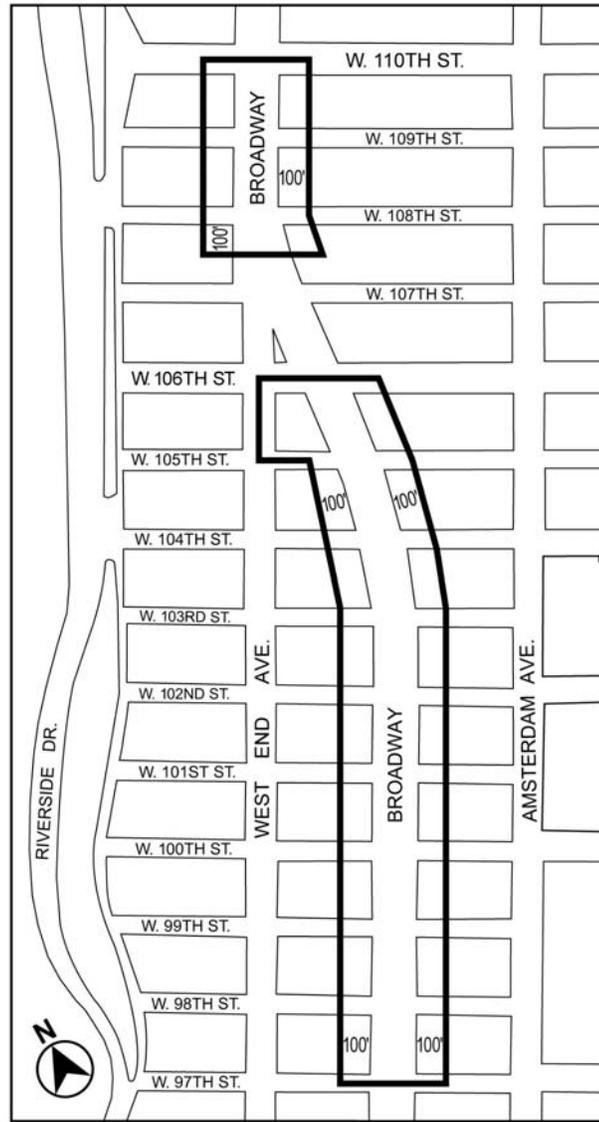


Map 8  
Portion of Community District 2, Brooklyn



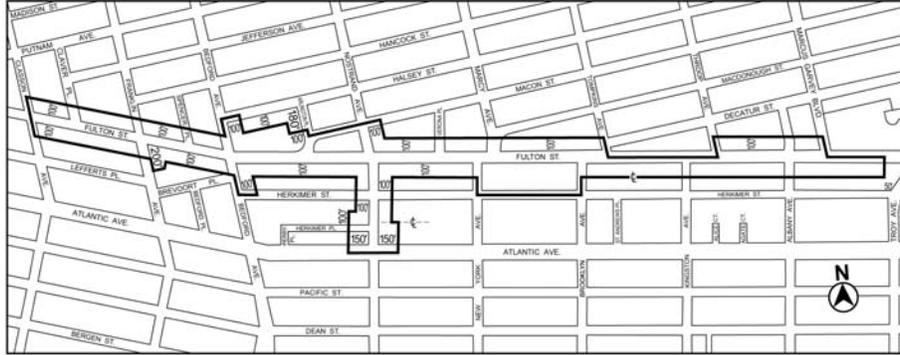
Map 9  
Portion of Community District 2, Brooklyn

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

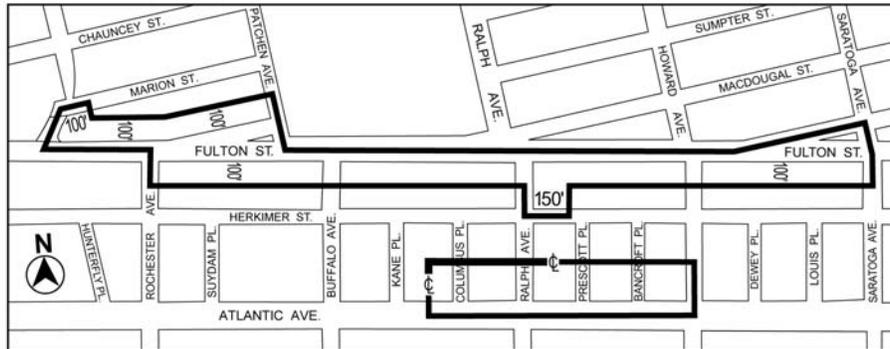


Map 10  
Portion of Community District 7, Manhattan

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

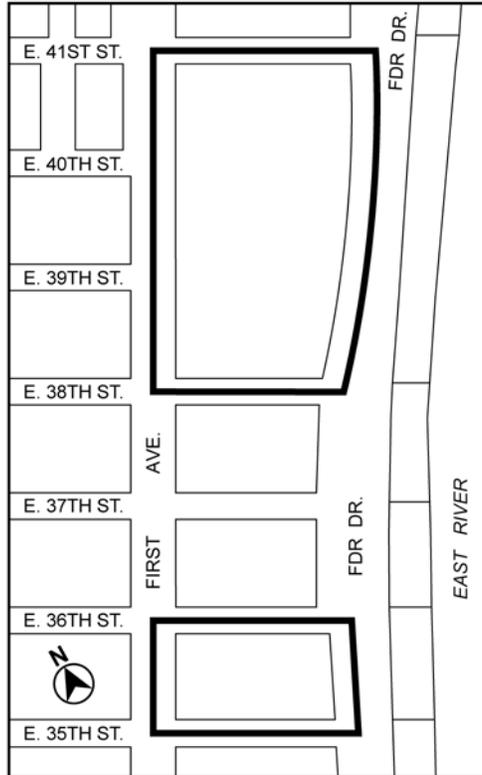


MAP 11  
Portion of Community District 3, Brooklyn



MAP 12  
Portion of Community District 3, Brooklyn

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



MAP 13  
Portion of Community District 6, Manhattan

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



Map 14  
Portion of Community District 3, Manhattan

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within the special purpose district:

- (1) Special Hudson Yards District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (2) Special West Chelsea District – see Section 98-26 (Modifications of Inclusionary Housing Program)
- (3) Special Downtown Jamaica District – see Section 115-211 (Special Inclusionary Housing Regulations)
- (4) Special 125<sup>th</sup> Street District – see Section 97-421 (Inclusionary Housing)
- (5) Special Long Island City Mixed Use District – see Section 117-631 (Floor area ratio and lot coverage modifications)
- (6) Special Garment Center District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (7) Special Southern Hunters Point District – see Section 125-22 (Newtown Creek Subdistrict)

\* \* \*

#### **24-161**

##### **Maximum floor area ratio for zoning lots containing community facility and residential uses**

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7D R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

~~In the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas),~~ except within Waterfront Access Plan BKk-1; and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-9542 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 (INCLUSIONARY HOUSING), inclusive.

\* \* \*

#### **35-31**

##### **Maximum Floor Area Ratio for Mixed Buildings**

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

~~In the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas),~~ except within Waterfront Access Plan BK-17 and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-9542 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 #~~lower~~ income affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

\* \* \*

ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

\* \* \*

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

\* \* \*

**62-35**  
**Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn**

\* \* \*

**62-352**

### Inclusionary Housing

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in R7-3 Districts in Community District 1, Borough of Brooklyn, and in R6, ~~R7D~~ and R8 Districts within Waterfront Access Plan BK-1, as modified in this Section.

(a) Definitions

For the purposes of this Section, matter in italics is defined in Sections 12-10; or in Section 23-90 (INCLUSIONARY HOUSING), inclusive ~~or in this Section, as modified.~~

**Fair rent**

~~At initial occupancy of #lower income housing# that is occupied by a #moderate income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").~~

~~Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.~~

~~After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:~~

- ~~(1) — the then currently applicable "30 Percent Standard"; or~~
- ~~(2) — the Rent Stabilization Standard.~~

~~In order for rent to be #fair rent#, the following must also apply:~~

~~There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income# or #moderate income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income# or #moderate income household's# income:~~

- ~~(i) — the initial #fair rent#; and~~
- ~~(ii) — the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.~~

~~However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income household's# income and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.~~

~~Lower income housing~~

~~For the purposes of this Section, "lower income housing" shall include #standard units# occupied, or to be occupied, by #lower income# or #moderate income households#.~~

~~Moderate income household~~

~~For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80~~

(b) ~~#Floor area compensation# 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) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or
  - (ii) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#, and the #moderate income floor area# is equal to at least 15 percent of the total #residential floor area#, exclusive of ground-floor non-#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) the amount of #low income floor area# is equal to at least 7.5 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or
  - (ii) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#, and the amount of #moderate income floor area# is equal at least five percent of the total #residential floor area#, exclusive of ground-floor non-#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.~~

~~For the purposes of determining the amount of #lower income housing# required to increase the maximum permitted #floor area# pursuant to this paragraph, (b), community facility #floor area# used as a philanthropic or not for profit institution with sleeping accommodations shall be considered #residential floor area#.~~

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

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

(c) ~~#Lower Income Housing# Requirements~~

~~#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this paragraph, (c).~~

- (1) ~~The provisions of Section 23-95, paragraph (b), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate income households#, and sublessees of a #moderate income household# may also be a #moderate income household#.~~

~~Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to lower or #moderate income households#, as provided in this Section and in the approved #lower income housing plan#.~~

~~This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower# or #moderate income households#, as provided in this Section or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.~~

- (2) ~~The provisions of Section 23-95, paragraph (d), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower# or #moderate income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are lower or #moderate income households# as required by the provisions of this Section and in the approved #lower income housing# plan.~~

- (3) ~~The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower# or #moderate income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing# plan.~~

- (d) ~~Permits and certificate of occupancy~~

~~The requirements of paragraphs (b) and (c) of Section 23-954 shall not apply. In lieu thereof, the provisions of this paragraph (d), shall apply be modified as follows:~~

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# ~~bonused~~ pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until ~~the #HPD Commissioner# of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.~~

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# ~~bonused~~ pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan regulatory agreement# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #HPD Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations ~~has issued a #completion notice# with respect to the #lower income affordable housing#.~~ No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# ~~bonused~~ pursuant to paragraph (b) of this Section, or is located on any #story# which utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# ~~bonused~~ pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, the #Commissioner# of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

\* \* \*

## **ARTICLE IX SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 3**  
**Special Hudson Yards District**

\* \* \*

**93-23**  
**Modifications of Inclusionary Housing Program**

~~The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall be applicable within Subdistrict C (34<sup>th</sup> Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, except as modified in this Section. However, the modifications set forth in this Section shall not be applicable in the area bounded by West 35<sup>th</sup> Street, Eighth Avenue, West 33<sup>rd</sup> Street, and a line 100 feet east of and parallel to Ninth Avenue, where the underlying provisions of Section 23-90, (INCLUSIONARY HOUSING), inclusive, shall apply shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts.~~

**93-231**  
**Definitions**

For the purposes of this Chapter, matter in italics is defined in Sections 12-10; or in Section 23-90 (INCLUSIONARY HOUSING), inclusive. ~~the following definitions in Section 23-93 shall be modified:~~

~~Administering agent~~

~~The "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring compliance with such plan.~~

~~The #administering agent# shall be a not for profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not for profit organization as the #administering agent# was unsuccessful. However, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.~~

~~If an entity other than a not for profit organization is proposed to serve as the #administering agent#, and the affected Community Board objects during its review period to the approval of the proposed entity, the Commissioner shall respond in writing to the Community Board's objections prior to approving the proposed entity to serve as #administering agent#.~~

### Fair rent

~~“Fair rent” shall be as defined in Section 23-93 with respect to #standard units# occupied by #lower income households#, except that the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered “fair rent,” provided that such rents do not exceed 30 percent of a #lower income household#’s income, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable Section 8 Standard or the Rent Stabilization Standard.~~

~~The following definition of “fair rent” shall apply to #moderate income households# and #middle income households#. At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, #fair rent# shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the “30 Percent Standard”).~~

~~Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the “Rent Stabilization Standard”) is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.~~

~~After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:~~

- ~~(a) — the then currently applicable “30 Percent Standard”; or~~
- ~~(b) — the Rent Stabilization Standard.~~

~~In order for rent to be #fair rent#, the following must also apply:~~

~~There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following does not exceed 30 percent of said #lower income#, #moderate income# or #middle income household’s# income:~~

- ~~(1) — the initial #fair rent#; and~~
- ~~(2) — the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.~~

~~The Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household#'s income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.~~

~~At initial occupancy of any #lower income housing# occupied by a #moderate income# or #middle income household#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (e) of Section 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.~~

#### ~~Lower income household~~

~~#Lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.~~

#### ~~Lower income housing~~

~~For the purposes of Section 93-23 (Modifications of Inclusionary Housing Program), inclusive, "lower income housing", as defined in Section 23-93, shall include #standard units# assisted under City, State or federal programs. #Lower income housing# shall also include #standard units# occupied or to be occupied by #lower income households#, as defined in Section 23-93, and #moderate income# or #middle income households#, as defined in this Section.~~

#### ~~Moderate income household~~

~~For the purposes of Section 93-23, inclusive, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income~~

limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

#### Middle income household

For the purposes of Section 93-23, inclusive, a “middle income household” is a #family# having an income equal to or less than the following proportion of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

### 93-232

#### Floor area increase

The provisions of Section 23-9452 (Floor Area Compensation in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D and E) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# for #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing program may be increased, as follows:

- (a) The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:
  - (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#;~~ or
  - (2) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#,~~ and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#;~~ or
  - (3) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#,~~ and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area#

on the #zoning lot#, ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.~~

- (b) The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:
- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#;~~ or
  - (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#;~~ and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot#, ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#;~~ or
  - (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#;~~ and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, ~~inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.~~

For the purposes of this Section 93-232, 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#.

~~Where #lower#, #moderate# or #middle 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.~~

#### **Lower income housing requirements**

~~#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the lower income housing requirements of Section 23-95, except as modified in this Section.~~

- (a) ~~The provisions of paragraph (b) (Tenant selection) of Section 23-95 shall apply, except that, in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a~~

~~#moderate# or #middle income household#. Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.~~

~~This duty to rent shall be satisfied by the #administering agent# if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.~~

~~(b) — The provisions of paragraph (d) (Income verification) of Section 23-95 shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section and in the approved #lower income housing plan#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.~~

~~(e) — The provisions of paragraph (g) (Insurance) of Section 23-95 may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.~~

~~(d) — Permits and certificate of occupancy~~

~~— The requirements of paragraph (f) of Section 23-95 shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.~~

~~— No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.~~

~~— No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued, or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has~~

~~certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.~~

~~\_\_\_\_\_ Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.~~

~~(e) \_\_\_\_\_ The provisions of Sections 23-951 (On site new construction option), 23-952 (Substantial rehabilitation and off site new construction option) and 23-953 (Preservation option) shall apply, except as follows:~~

~~\_\_\_\_\_ (i) \_\_\_\_\_ with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b), and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#;~~

~~\_\_\_\_\_ (ii) \_\_\_\_\_ if the #lower income housing# is subject to the requirements of city, state or federal programs assisting the lower income housing that have size and distribution requirements conflicting with the size and distribution requirements of Section 23-951, paragraph (b), then the size and distribution requirements of Section 23-951, paragraph (b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#; and~~

~~\_\_\_\_\_ (iii) \_\_\_\_\_ Section 23-953 (a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.~~

\* \* \*

**Chapter 7  
Special 125<sup>th</sup> Street District**

\* \* \*

4/30/08

**97-42  
Floor Area Bonuses**

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to ~~Sections 97-421 and~~ 23-90 (INCLUSIONARY HOUSING), inclusive, or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

4/30/08

**97-421  
Inclusionary Housing**

Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Sections 23-90 (INCLUSIONARY HOUSING), inclusive.

\* \* \*

**Chapter 8  
Special West Chelsea District**

\* \* \*

**98-26  
Modifications of Inclusionary Housing Program**

~~The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive are incorporated and modified w~~Within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing program regulations of Section 23-90, inclusive, applicable as modified within the Special District. as set forth in this Section, inclusive.

**98-261  
Definitions**

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The following definitions in Section 23-93 shall be modified:

**Administering agent**

~~The "administering agent" is not required to be a not for profit organization if the #floor area# of the #standard units# comprising the #lower income housing# constitutes less than half of the total #residential floor area# or community facility #floor area used# as a not for profit institution with sleeping accommodations in the #building#.~~

**Fair rent**

~~At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").~~

~~Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") shall be not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.~~

~~After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# shall be not more than the higher of:~~

- ~~(a) the then currently applicable "30 Percent Standard"; or~~
- ~~(b) the Rent Stabilization Standard.~~

~~In order for rent to be #fair rent#, the following must also apply:~~

~~There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income:~~

- ~~(1) the initial #fair rent#; and~~
- ~~(2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.~~

~~However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household#'s income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable 30 Percent Standard or the Rent Stabilization Standard.~~

~~#Fair rent# shall include, in addition to that rent permitted pursuant to Section 23-93, the payment of principal and interest on mortgage debt, and #lower income#, #moderate income# or #middle income housing# may secure such debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (e) (Rent levels) of Section 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.~~

#### ~~Lower income household~~

~~“Lower income households” shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.~~

#### ~~Lower income housing~~

~~For the purposes of this Section, “lower income housing” shall include #standard units# assisted under City, State or Federal programs, where such housing is occupied, or to be occupied, by #lower income#, #moderate income# or #middle income households#.~~

#### ~~Moderate income household~~

~~For the purposes of this Section, a “moderate income household” is a #family# having an income equal to or less than the following proportion of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.~~

### Middle income household

For the purposes of this Section, a “middle income household” is a #family# having an income equal to or less than the following proportion of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

### 98-262

#### Floor area increase

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for conversions of non-#residential buildings#, or portions thereof, to #dwelling units# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

(a) In C6-4 Districts:

- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# ~~is occupied by #lower income households#;~~
- (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, ~~is occupied by #lower income households#~~ and the amount of #moderate income floor areas equal to at least 15 percent of the total #residential floor area# on the #zoning lot# ~~is occupied by #moderate income households#;~~ or
- (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, ~~is occupied by #lower income households#~~ and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# ~~is occupied by #middle income households#.~~

(b) In C6-3 Districts:

- (1) ~~the amount of #low income floor area# is equal to~~ at least 10 percent of the total #residential floor area# on the #zoning lot# ~~is occupied by #lower income households#;~~
- (2) ~~the amount of #low income floor area# is equal to~~ at least ~~5~~ five percent of the total #residential floor area# on the #zoning lot#, ~~is occupied by #lower income households#~~ and ~~the amount of #moderate income floor area# is equal to~~ at least 7.5 percent of the total #residential floor area# on the #zoning lot# ~~is occupied by #moderate income households#;~~ or
- (3) ~~the amount of #low income floor area# is equal to~~ at least ~~5~~ five percent of the total #residential floor area# on the #zoning lot#, ~~is occupied by #lower income households#~~ and ~~the amount of #middle income floor area# is equal to~~ at least 10 percent of the total #residential floor area# on the #zoning lot# ~~is occupied by #middle income households#.~~

~~Where #lower#, #moderate# or #middle 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.~~

For the purposes of this Section 98-262, 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#.

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

(c) Affordable Housing Fund

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and

Development and all contributions to such fund shall be used for the #development#, acquisition or rehabilitation of #lower#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

### **Lower income housing requirements**

~~#Developments# that increase #floor area# in accordance with the provisions of Section 98-262 shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this Section.~~

- (a) ~~— The provisions of Section 23-95, paragraph (b) (Tenant selection), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#.~~

~~Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.~~

~~This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.~~

- (b) ~~— The provisions of Section 23-95, paragraph (d) (Income verification), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.~~

- (e) ~~— The provisions of Section 23-95, paragraph (g) (Insurance), may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.~~

~~(d) Permits and certificate of occupancy~~

~~The requirements of Section 23-95, paragraph (f), shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.~~

~~No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.~~

~~No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued.~~

~~Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.~~

- ~~(e) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, the size and distribution requirements of Section 23-951, paragraph (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#, and Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.~~

~~\* \* \*~~

## ARTICLE XI

**SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 5  
Special Downtown Jamaica District**

\* \* \*

**115-211  
Special Inclusionary Housing regulations**

(a) Applicability

R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.

(b) Maximum #floor area ratio#

The maximum #floor area ratio# for any #building# containing #residences# shall not exceed the base #floor area ratio# set forth in the following table, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Section 23-9542 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

District	Base #Floor Area Ratio#
R7A C4-4A	3.45
R7X C4-5X	3.75
R8_C6-2	5.4
R9 C6-3	6.0
R10 C6-4	9.0

(c) Modification of location requirements

The requirements of paragraph (a) of Section 23-9526 (Requirements for Generating Sites~~Substantial rehabilitation and off site new construction options~~) shall be modified as follows: A #Lower income housing generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.

(d) Height and setback

The height and setback regulations of paragraph (ba) of Section 23-94254 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-22, inclusive, of this Chapter shall apply.

\* \* \*

**Article XI - Special Purpose Districts**

**Chapter 7  
Special Long Island City Mixed Use District**

\* \* \*

**117-631  
Floor area ratio and lot coverage modifications**

(a) In the Dutch Kills Subdistrict, the #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 #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.

(b) Maximum #floor area ratio# and lot coverage for #residential uses#

(1) M1-2/R5B designated district

The maximum #floor area ratio# for #residential use# shall be 1.65.

The maximum #lot coverage# for a #residential building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.

(2) M1-3/R7X designated district

(i) Inclusionary Housing Program

Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.

(ii) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #building# containing a

#residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0 as set forth in Section 23-942 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

\* \* \*

**Article XII - Special Purpose Districts**

**Chapter 3  
Special Mixed Use District**

\* \* \*

**123-64  
Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings**

(a) Maximum #floor area ratio#

- (1) Manufacturing or commercial portions

The maximum #floor area ratio# permitted for the #manufacturing# or #commercial# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial buildings# under the provisions of Section 43-12, in accordance with the designated M1 District.

- (2) Community facility portion

The maximum #floor area ratio# permitted for the #community facility# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #community facility buildings# in #Residence Districts# under the provisions of Section 24-11, in accordance with the designated #Residence District#.

- (3) #Residential# portion

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential

buildings# under the provisions of Sections 23-14 and 23-141, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Section 123-63, in accordance with the designated #Residence District#.

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

The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in ~~the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas)~~, except within Waterfront Access Plan BK-1, the maximum #floor area ratios# permitted for #zoning lots# containing #residential# and #commercial#, #community facility#, or #manufacturing uses# shall be the base #floor area ratio# set forth in ~~of~~ Section 23-9542 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 #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive~~(In Inclusionary Housing designated areas) shall apply.~~

\* \* \*

## Article XII - Special Purpose Districts

### Chapter 5 Special Southern Hunters Point District

#### 125-22 Newtown Creek Subdistrict

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

(a) #Floor area# bonus for public amenities

For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 2.75 to a maximum permitted #floor area ratio# of 3.75, provided that the Chairperson of the City Planning Commission has certified that such

publicly accessible private street and open area comply with the design standards of Section 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and Section 125- 45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

- (b) #Floor area# increase for Inclusionary Housing
- (1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23- 90, inclusive, and this Section, applicable within the Special District.
  - (2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:
    - (i) the height and setback regulations of paragraph (ba) of Section 23-94~~25~~4 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30 (HEIGHT AND SETBACK REGULATIONS), inclusive, of this Chapter shall apply; and
    - (ii) the provisions of paragraph (a)(~~2~~) of Section 23-95~~26~~6 (~~Substantial rehabilitation and off-site new construction options~~Requirements for Generating Sites) shall be modified to require that in the event the #lower income housing# is not located within the same Community District as the #compensated development# ~~zoning lot#~~, it ~~is~~ shall be located within a one-half mile radius of the #compensated development# ~~zoning lot#~~ in an adjacent Community District in the Borough of Queens.

**Resolution for adoption scheduling May 20, 2009 for a public hearing.**

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**II. REPORTS**

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**BOROUGH OF THE BRONX**

**No. 11**

***NORTH ZEREGA INDUSTRIAL SITE***

**CD 9**

**C 090249 PPX**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one (1) city-owned property located at Block 3838, p/o Lot 60, pursuant to zoning.

(On March 18, 2009, Cal. No. 1, the Commission scheduled April 1, 2009 for a public hearing. On April 1, 2009, Cal. No. 27, the hearing was closed.)

**For consideration.**

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**BOROUGH OF BROOKLYN**

**No. 12**

***111 UNION STREET REZONING***

**CD 6**

**C 070504 ZMK**

**IN THE MATTER OF** an application submitted by Columbia Commercial Enterprises LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, by establishing within an existing R6 District a C2-3 District bounded by a line 100 feet northeasterly of Union Street, a line 100 feet northwesterly of Columbia Street, Union Street, and a line 150 feet northwesterly of Columbia Street, as shown on a diagram (for illustrative purposes only) dated December 15, 2008.

(On March 18, 2009, Cal. No. 2, the Commission scheduled April 1, 2009 for a public hearing. On April 1, 2009, Cal. No.23, the hearing was closed.)

**For consideration.**

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**BOROUGH OF QUEENS**

**No. 13**

***GRACE ASPHALT PLANT***

**CD 7**

**C 090366 PCQ**

**IN THE MATTER OF** an application submitted by the Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68) , for use as an asphalt plant.

(On April 1, 2009, Supplemental Cal. No. 1, the Commission scheduled April 22, 2009 for a public hearing. On April 22, 2009, Cal. No.31, the hearing was closed.).

**For consideration.**

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**BOROUGH OF STATEN ISLAND**

**No. 14**

***CROSS ACCESS CONNECTION TEXT CHANGE***

**CDs 1, 2 & 3**

**N 090185 ZRR**

**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 to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island:

The proposed text amendment may be seen in the Comprehensive City Planning Calendar of April 1, 2009, (Cal. No. 26) and at the Department of City Planning web site: ([www.nyc.gov/planning](http://www.nyc.gov/planning)).

(On March 18, 2009, Cal. No. 5, the Commission scheduled April 1, 2009 for a public hearing. On April 1, 2009, Cal. No.26, the hearing was closed.)

**For consideration.**

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**CITYWIDE**

**No. 15**

***PRIVATELY OWNED PUBLIC PLAZAS FOLLOW-UP TEXT AMENDMENT***

**CITYWIDE**

**N 090317 ZRY**

**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 III, Chapter 7 (Special Urban Design Regulations concerning provisions related to privately owned public plazas.

The proposed text amendment may be seen in the Comprehensive City Planning Calendar of April 22, 2009, (Cal. No. 32) and at the Department of City Planning web site: ([www.nyc.gov/planning](http://www.nyc.gov/planning)).

(On April 1, 2009, Cal. No. 5, the Commission scheduled April 22, 2009 for a public hearing. On April 22, 2009, Cal. No. 32, the hearing was closed.)

**For consideration.**

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**III. PUBLIC HEARINGS**

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**BOROUGH OF BROOKLYN**

**No. 16**

***CANARSIE REZONING***

**CD 18**

**C 090313 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. 17d, 23a, 23c and 23d:

1. eliminating from an existing R4 District a C1-1 District bounded by Avenue L, East 95<sup>th</sup> Street, a line 200 feet southeasterly of Avenue L, and East 93<sup>rd</sup> Street;
2. eliminating from an existing R4 District a C1-2 District bounded by:
  - a. a line 200 feet southeasterly of Farragut Road, Rockaway Parkway, Glenwood Road, a line midway between Rockaway Parkway and East 98<sup>th</sup> Street, Conklin Avenue, Rockaway Parkway, a line 150 feet southeasterly of Flatlands Avenue, and East 96<sup>th</sup> Street,
  - b. a line 150 feet northwesterly of Flatlands Avenue, East 89<sup>th</sup> Street, Flatlands Avenue, and a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street;
  - c. a line 150 feet northwesterly of Avenue L, East 95<sup>th</sup> Street, Avenue L, East 93<sup>rd</sup> Street, a line 150 feet southeasterly of Avenue L, and East 91<sup>st</sup> Street;
  - d. Avenue N, Rockaway Parkway, Seaview Avenue, and a line midway between East 96<sup>th</sup> Street and Rockaway Parkway;
3. eliminating from an existing R5 District a C1-2 District bounded by:
  - a. Ralph Avenue, East 79<sup>th</sup> Street, a line 100 feet easterly of Ralph Avenue, a line 100 feet northeasterly East 78<sup>th</sup> Street, a line perpendicular to the northeasterly street line of East 78<sup>th</sup> Street distant 80 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of East 78<sup>th</sup> Street and the easterly street line of Ralph Avenue, and East 78<sup>th</sup> Street;

- b. Ralph Avenue, East 77<sup>th</sup> Street, a line 150 feet southeasterly of Ralph Avenue, East 76<sup>th</sup> Street, and Glenwood Road,
  - c. East 88<sup>th</sup> Street, a line 150 feet northwesterly of Flatlands Avenue, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, and Flatlands Avenue;
  - d. a line 150 feet northwesterly of Glenwood Road, East 105<sup>th</sup> Street, Glenwood Road, and East 103<sup>rd</sup> Street;
  - e. a line 100 feet northwesterly of Seaview Avenue, East 98<sup>th</sup> Street, Seaview Avenue, a line 450 feet northeasterly of Rockaway Parkway, a line 200 feet southeasterly of Seaview Avenue, Rockaway Parkway, Skidmore Avenue, a line 350 feet southwesterly of Rockaway Parkway, St. Jude Place, Seaview Avenue, and Rockaway Parkway;
  - f. Schenck Street, Rockaway Parkway, a line 100 feet southeasterly of Schenck Street, and a line 215 feet southwesterly of Rockaway Parkway;
4. eliminating from an existing R4 District a C 2-1 District bounded by a line 150 feet northwesterly of Avenue L, Rockaway Parkway, a line 320 feet southeasterly of Avenue L, East 96<sup>th</sup> Street, a line 150 feet southeasterly of Avenue L, and East 95<sup>th</sup> Street;
5. eliminating from an existing R5 District a C2-1 District bounded by:
- a. Avenue M, East 98<sup>th</sup> Street, a line 360 feet southeasterly of Avenue M, and Rockaway Parkway; and
  - b. Flatlands Avenue, a line 325 feet northeasterly of 108<sup>th</sup> Street, the northwesterly prolongation of a U.S. Pierhead and Bulkhead Line, the southwesterly prolongation of a U.S. Pierhead and Bulkhead Line, and East 108<sup>th</sup> Street;
6. eliminating from an existing R4 District a C2-2 District bounded by:
- a. Foster Avenue, East 98<sup>th</sup> Street, a line 150 feet southeasterly of Foster Avenue, and Rockaway Avenue;
  - b. a line 200 feet northwesterly of Farragut Road, a line midway between Rockaway Parkway and East 98<sup>th</sup> Street and its southeasterly prolongation, Glenwood Road, Rockaway Parkway, a line 200 feet southeasterly of Farragut Road, a line midway between East 96<sup>th</sup> Street and Rockaway Parkway, a line 150 feet northwesterly of Farragut Road, and Rockaway Parkway;

- c. Conklin Avenue, a line midway between East 92<sup>nd</sup> Street and East 93<sup>rd</sup> Street, a line 150 feet southeasterly of Flatlands Avenue, East 91<sup>st</sup> Street, Flatlands Avenue, and a line 150 feet southwesterly of East 92<sup>nd</sup> Street;
7. eliminating from an existing R5 District a C2-2 District bounded by:
    - a. a line 100 feet northwesterly of Flatlands Avenue, East 83<sup>rd</sup> Street, Flatlands Avenue, East 81<sup>st</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 76<sup>th</sup> Street, Flatlands Avenue, and the northwesterly centerline prolongation of East 77<sup>th</sup> Street; and
    - b. Skidmore Avenue, Rockaway Parkway, Schenck Street, and East 96<sup>th</sup> Street;
  8. changing from an R5 District to an R3-1 District property bounded by a line 100 feet southeasterly of Avenue L, East 105<sup>th</sup> Street, a line 100 feet northwesterly of Avenue M, and a line midway between East 100<sup>th</sup> Street and East 101<sup>st</sup> Street;
  9. changing from an R5 District to an R3X District property bounded by a line 100 feet southeasterly of Avenue L, a line midway between East 100<sup>th</sup> Street and East 101<sup>st</sup> Street, a line 100 feet northwesterly of Avenue M, East 105<sup>th</sup> Street, Avenue L, a line 100 feet northeasterly of East 105<sup>th</sup> Street, a line midway between Avenue L and Flatlands 5<sup>th</sup> Street, East 108<sup>th</sup> Street, the northeasterly centerline prolongation of Flatlands 6<sup>th</sup> Street, a line 150 feet northeasterly of East 108<sup>th</sup> Street, the northeasterly centerline prolongation of Avenue M, East 108<sup>th</sup> Street, Seaview Avenue, a line midway between East 104<sup>th</sup> Street and East 105<sup>th</sup> Street, Avenue N, East 105<sup>th</sup> Street, a line 175 feet southeasterly of Avenue M, a line midway between East 102<sup>nd</sup> Street and East 103<sup>rd</sup> Street, a line 100 feet northwesterly of Avenue N, East 102<sup>nd</sup> Street, Avenue N, a line midway between East 101<sup>st</sup> Street and East 102<sup>nd</sup> Street, a line 175 feet northwesterly of Avenue N, a line midway between East 100<sup>th</sup> Street and East 101<sup>st</sup> Street, a line 100 feet southeasterly of Avenue M, and East 99<sup>th</sup> Street;
  10. changing from an R5 District to an R4 District property bounded by:
    - a. Glenwood Road, East 103<sup>rd</sup> Street, Flatlands Avenue, East 102<sup>nd</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 101<sup>st</sup> Street, Avenue K, East 102<sup>nd</sup> Street, Avenue L, East 104<sup>th</sup> Street, Avenue K, East 103<sup>rd</sup> Street, Avenue J, East 104<sup>th</sup> Street, Flatlands 1<sup>st</sup> Street and its southwesterly centerline prolongation, a line 100 feet northeasterly of East 105<sup>th</sup> Street, Flatlands 3<sup>rd</sup> Street, East 105<sup>th</sup> Street, a line 100 feet southeasterly of Avenue L, East 99<sup>th</sup> Street, a line 100 feet northwesterly of Avenue L, a line midway between East 98<sup>th</sup> Street and East 99<sup>th</sup> Street, a line 225 feet southeasterly of Avenue K, Rockaway Parkway, a line 400 feet southeasterly of Avenue J, a line 100 feet southwesterly of East 98<sup>th</sup> Street, a line 200 feet northwesterly of

Avenue J, East 98<sup>th</sup> Street, a line 375 feet southeasterly of Flatlands Avenue, East 99<sup>th</sup> Street, Flatlands Avenue, and a line midway between East 101<sup>st</sup> Street and East 102<sup>nd</sup> Street; and

- b. Avenue M, East 99<sup>th</sup> Street, a line 100 feet southeasterly of Avenue M, a line midway between East 100<sup>th</sup> Street and East 101<sup>st</sup> Street, a line 175 feet northwesterly of Avenue N, a line midway between East 101<sup>st</sup> Street and East 102<sup>nd</sup> Street, Avenue N, East 101<sup>st</sup> Street, Seaview Avenue, East 98<sup>th</sup> Street, a line 100 feet northwesterly of Seaview Avenue, and a line midway between East 98<sup>th</sup> Street and East 99<sup>th</sup> Street;

11. changing from an R4 District to an R4-1 District property bounded by:

- a. Krier Place, East 92<sup>nd</sup> Street, a line 100 feet southeasterly of Foster Avenue, a line midway between East 92<sup>nd</sup> Street and East 93<sup>rd</sup> Street, a line 100 feet northwesterly of Farragut Road, East 92<sup>nd</sup> Street, Farragut Road, East 93<sup>rd</sup> Street, a line 250 feet southeasterly of Farragut Road, a line midway between East 92<sup>nd</sup> Street and East 93<sup>rd</sup> Street, a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, a line 175 feet southeasterly of Foster Avenue and its southwesterly prolongation, and a line 100 feet northeasterly of Remsen Avenue;
- b. Foster Avenue, a line midway between East 95<sup>th</sup> Street and East 96<sup>th</sup> Street, a line 275 feet southeasterly of Foster Avenue, East 96<sup>th</sup> Street, a line 175 feet southeasterly of Foster Avenue, a line midway between East 96<sup>th</sup> Street and Rockaway Parkway, a line 100 feet northwesterly of Flatlands Avenue, East 96<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, Rockaway Parkway, a line 225 feet southeasterly of Avenue K, East 95<sup>th</sup> Street, Avenue K, East 94<sup>th</sup> Street, a line 100 feet northwesterly of Avenue L, East 91<sup>st</sup> Street, a line perpendicular to the southwesterly street line of East 91<sup>st</sup> Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of East 91<sup>st</sup> Street and the southeasterly street line of Avenue K, Remsen Avenue, a line 100 feet northwesterly of Avenue J, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, Flatlands Avenue, East 91<sup>st</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 93<sup>rd</sup> Street, a line 100 feet northwesterly of Flatlands Avenue, and a line midway between East 94<sup>th</sup> Street and East 95<sup>th</sup> Street;
- c. Foster Avenue, East 99<sup>th</sup> Street, a line 200 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 98<sup>th</sup> Street, a line 200 feet southeasterly of Foster Avenue, East 98<sup>th</sup> Street;

- d. Glenwood Road, East 100<sup>th</sup> Street, a line 75 feet northwesterly of Flatlands Avenue, East 99<sup>th</sup> Street, Flatlands Avenue, Rockaway Parkway, Conklin Avenue, and a line midway between Rockaway Parkway and East 98<sup>th</sup> Street;
  - e. a line 100 feet southeasterly of Avenue L, Remsen Avenue, a line 100 feet southeasterly of Avenue M, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, a line 100 feet northwesterly of Avenue M, and East 89<sup>th</sup> Street;
  - f. a line 100 feet southeasterly of Avenue L, Rockaway Parkway, Seaview Avenue, a line 100 feet northeasterly of East 95<sup>th</sup> Street, a line 250 feet northwesterly of Seaview Avenue, East 95<sup>th</sup> Street, Avenue N, a line midway between East 92<sup>nd</sup> Street and East 93<sup>rd</sup> Street and its northwesterly prolongation, a line 100 feet northwesterly of Seaview Avenue, East 92<sup>nd</sup> Street, Seaview Avenue, Remsen Avenue, a line 75 feet northwesterly of Seaview Avenue, a line midway between East 89<sup>th</sup> Street and Remsen Avenue, a line 150 feet southeasterly of Avenue N, Remsen Avenue, Avenue N, and East 91<sup>st</sup> Street;
12. changing from an R5 District to an R4-1 District property bounded by:
- a. a line 100 feet southeasterly of Foster Avenue, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, a line 100 feet northwesterly of Flatlands Avenue, East 85<sup>th</sup> Street, a line 100 feet southeasterly of Glenwood Road, East 86<sup>th</sup> Street, a line 100 feet southeasterly of Farragut Road, and East 88<sup>th</sup> Street;
  - b. a line 100 feet southeasterly of Flatlands Avenue, East 88<sup>th</sup> Street, Flatlands Avenue, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, a line 100 feet northwesterly of Avenue J, and East 86<sup>th</sup> Street;
  - c. a line 100 feet northwesterly of Avenue M, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, a line 100 feet southeasterly of Avenue M, East 88<sup>th</sup> Street, Avenue N, and East 87<sup>th</sup> Street;
  - d. Flatlands Avenue, East 99<sup>th</sup> Street, a line 375 feet southeasterly of Flatlands Avenue, and East 98<sup>th</sup> Street;
  - e. a line 100 feet southeasterly of Avenue L, East 99<sup>th</sup> Street, Avenue M, a line midway between East 98<sup>th</sup> Street and East 99<sup>th</sup> Street, a line 100 feet northwesterly of Seaview Avenue, East 98<sup>th</sup> Street, Seaview Avenue, Rockaway Parkway, Avenue M, and a line midway between Rockaway Parkway and East 98<sup>th</sup> Street;
  - f. a line 175 feet southeasterly of Avenue M, East 105<sup>th</sup> Street, Avenue N, a line midway between East 104<sup>th</sup> Street and East 105<sup>th</sup> Street, Seaview

Avenue, East 103<sup>rd</sup> Street, a line 100 feet northwesterly of Avenue N, and a line midway between East 102<sup>nd</sup> Street and East 103<sup>rd</sup> Street;

- g. Flatlands 4<sup>th</sup> Street, East 108<sup>th</sup> Street, a line midway between Avenue L and Flatlands 5<sup>th</sup> Street, a line 100 feet northeasterly of East 105<sup>th</sup> Street, a line midway between Flatlands 4<sup>th</sup> Street and Avenue L, and a line 250 feet northeasterly of East 105<sup>th</sup> Street;
  - h. East 108<sup>th</sup> Street, the northeasterly centerline prolongation of Avenue M, a line 100 feet northeasterly of East 108<sup>th</sup> Street, a line midway between the northeasterly centerline prolongation of Avenue M and Flatlands 7<sup>th</sup> Street and its northeasterly prolongation, a U.S. Pierhead and Bulkhead Line, and Flatlands 9<sup>th</sup> Street and its northeasterly centerline prolongation;
13. changing from a C8-1 District to an R4-1 District property bounded by:
- a. Farragut Road, a line midway between East 99<sup>th</sup> Street and East 100<sup>th</sup> Street, a line 200 feet southeasterly of Farragut Road, and East 99<sup>th</sup> Street;
  - b. a line 50 feet northwesterly of Glenwood Road, a line 80 feet northeasterly of East 99<sup>th</sup> Street, Glenwood Road, and a line midway between Rockaway Parkway and East 98<sup>th</sup> Street;
14. changing from an R4 District to an R4A District property bounded by:
- a. a line 330 feet northwesterly of Foster Avenue, East 94<sup>th</sup> Street, Foster Avenue, a line midway between East 94<sup>th</sup> Street and East 95<sup>th</sup> Street, a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 92<sup>nd</sup> Street and East 93<sup>rd</sup> Street, a line 250 feet southeasterly of Farragut Road, East 93<sup>rd</sup> Street, Farragut Road, East 92<sup>nd</sup> Street, a line 100 feet northwesterly of Farragut Road, a line midway between East 92<sup>nd</sup> Street and East 93<sup>rd</sup> Street, a line 100 feet southeasterly of Foster Avenue, East 92<sup>nd</sup> Street, Foster Avenue, and East 93<sup>rd</sup> Street;
  - b. a line perpendicular to the southwesterly street line of East 91<sup>st</sup> Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of East 91<sup>st</sup> Street and the southeasterly street line of Avenue K, East 91<sup>st</sup> Street, a line 100 feet southeasterly of Avenue L, East 89<sup>th</sup> Street, a line 100 feet northwesterly of Avenue M, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, a line 100 feet southeasterly of Avenue K, and Remsen Avenue;

- c. Avenue K, East 95<sup>th</sup> Street, a line 225 feet southeasterly of Avenue K, Rockaway Parkway, a line 100 feet northwesterly of Avenue L, and East 94<sup>th</sup> Street;
15. changing from an R5 District to an R4A District property bounded by:
- a. a line 100 feet southeasterly of Avenue K, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, a line 100 feet northwesterly of Avenue M, East 87<sup>th</sup> Street, a line 175 feet northwesterly of Avenue M, a line midway between East 86<sup>th</sup> Street and East 87<sup>th</sup> Street, a line 100 feet southeasterly of Avenue L, East 87<sup>th</sup> Street, Avenue L, a line midway between East 86<sup>th</sup> Street and East 87<sup>th</sup> Street, a line 275 feet northwesterly of Avenue L, and East 87<sup>th</sup> Street;
  - b. a line 225 feet southeasterly of Avenue K, a line midway between East 98<sup>th</sup> Street and East 99<sup>th</sup> Street, a line 100 feet northwesterly of Avenue L, East 99<sup>th</sup> Street, a line 100 feet southeasterly of Avenue L, a line midway between Rockaway Parkway and East 98<sup>th</sup> Street, Avenue M, and Rockaway Parkway;
16. changing from an R4 District to an R5 District property bounded by:
- a. Avenue N, Remsen Avenue, a line 150 feet southeasterly of Avenue N, a line midway between East 89<sup>th</sup> Street and Remsen Avenue, a line 75 feet northwesterly of Seaview Avenue, Remsen Avenue, Seaview Avenue, and a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, and
  - b. Avenue N, East 95<sup>th</sup> Street, a line 250 feet northwesterly of Seaview Avenue, a line 100 feet northeasterly of East 95<sup>th</sup> Street, Seaview Avenue, East 92<sup>nd</sup> Street, a line 100 feet northwesterly of Seaview Avenue, and a line midway between East 92<sup>nd</sup> Street and East 93<sup>rd</sup> Street and its northwesterly prolongation;
17. changing from a C3 District to an R5 District property bounded by the southwesterly centerline prolongation of Paerdegat 12th Street, Paerdegat Avenue North, a northwesterly boundary line of Canarsie Beach Park, and a U.S. Pierhead and Bulkhead Line;
18. changing from an R4 District to an R5B District property bounded by :
- a. a line 100 feet northwesterly of Foster Avenue, East 93<sup>rd</sup> Street, Foster Avenue, and East 92<sup>nd</sup> Street;
  - b. a line 100 feet northwesterly of Foster Avenue, East 96<sup>th</sup> Street, Foster Avenue, a line midway between East 96<sup>th</sup> Street and Rockaway Parkway, a line 175 feet southeasterly of Foster Avenue, East 96<sup>th</sup> Street, a line 275 feet southeasterly of Foster Avenue, a line midway

between East 95<sup>th</sup> Street and East 96<sup>th</sup> Street, Foster Avenue, and East 94<sup>th</sup> Street; and

- c. a line 100 feet northwesterly of Avenue J, Remsen Avenue, a line 100 feet southeasterly of Avenue K, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, Avenue K, a northeasterly boundary line of Canarsie Cemetery and its northwesterly and southeasterly prolongations, Church Lane and its southwesterly centerline prolongation, and a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street;
19. changing from an R5 District to an R5B District property bounded by:
- a. a line 200 feet southeasterly of Foster Avenue, East 85<sup>th</sup> Street, a line 100 feet southeasterly of Foster Avenue, East 88<sup>th</sup> Street, a line 100 feet southeasterly of Farragut Road, East 86<sup>th</sup> Street, a line 100 feet southeasterly of Glenwood Road, East 85<sup>th</sup> Street, a line 100 feet northwesterly of Flatlands Avenue, a line 100 feet southwesterly of East 78<sup>th</sup> Street, Flatlands Avenue, the southeasterly centerline prolongation of East 77<sup>th</sup> Street, Glenwood Road, Ralph Avenue, East 79<sup>th</sup> Street, Glenwood Road, East 80<sup>th</sup> Street, Farragut Road, and East 81<sup>st</sup> Street;
  - b. a line 100 feet southeasterly of Flatlands Avenue, East 81<sup>st</sup> Street, Flatlands Avenue, East 84<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 85<sup>th</sup> Street, Flatlands Avenue, East 86<sup>th</sup> Street, a line 100 feet northwesterly of Avenue J, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, Church Lane and its southwesterly centerline prolongation, a northeasterly boundary line of Canarsie Cemetery and its northwesterly and southeasterly prolongations, Avenue K, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, a line 100 feet southeasterly of Avenue K, East 87<sup>th</sup> Street, a line 275 feet northwesterly of Avenue L, a line midway between East 86<sup>th</sup> Street and East 87<sup>th</sup> Street, Avenue L, East 85<sup>th</sup> Street, Avenue M, East 82<sup>nd</sup> Street, Avenue K, a line midway between East 81<sup>st</sup> Street and East 82<sup>nd</sup> Street, Avenue J, East 80<sup>th</sup> Street, a line midway between Paerdegat 2<sup>nd</sup> Street and Paerdegat 3<sup>rd</sup> Street, a line perpendicular to the northwesterly street line of Paerdegat 2<sup>nd</sup> Street distant 250 feet southwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East 80<sup>th</sup> Street and the northwesterly street line of Paerdegat 2<sup>nd</sup> Street, a line midway between Paerdegat 1<sup>st</sup> Street and Paerdegat 2<sup>nd</sup> Street, Paerdegat Avenue, and East 76<sup>th</sup> Street;
  - c. a line 100 feet southeasterly of Flatlands Avenue, East 103<sup>rd</sup> Street, Flatlands Avenue, East 104<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 106<sup>th</sup> Street, Flatlands Avenue, East 107<sup>th</sup> Street, Avenue J, East 108<sup>th</sup> Street, Flatlands 1<sup>st</sup> Street and its

southwesterly centerline prolongation, East 104<sup>th</sup> Street, Avenue J, East 103<sup>rd</sup> Street, Avenue K, East 104<sup>th</sup> Street, Avenue L, East 102<sup>nd</sup> Street, Avenue K, and East 101<sup>st</sup> Street;

- d. a line 100 feet northwesterly of Avenue N, East 103<sup>rd</sup> Street, Seaview Avenue, East 101<sup>st</sup> Street, Avenue N, and East 102<sup>nd</sup> Street;
20. changing from an R4 District to an R5D District property bounded by:
- a. Foster Avenue, East 98<sup>th</sup> Street, a line 200 feet southeasterly of Foster Avenue, a line midway between Rockaway Parkway and East 98<sup>th</sup> Street, Conklin Avenue, Rockaway Parkway, a line 100 feet southeasterly of Flatlands Avenue, East 96<sup>th</sup> Street, a line 100 feet northwesterly of Flatlands Avenue, and a line midway between East 96<sup>th</sup> Street and Rockaway Parkway;
  - b. a line 100 feet northwesterly of Flatlands Avenue, East 93<sup>rd</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 91<sup>st</sup> Street, Flatlands Avenue, and a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street; and
  - c. a line 100 feet northwesterly of Avenue L, Rockaway Parkway, a line 100 feet southeasterly of Avenue L, and East 91<sup>st</sup> Street;
21. changing from an R5 District to an R5D District property bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, Flatlands Avenue, East 88<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 86<sup>th</sup> Street, Flatlands Avenue, East 85<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 84<sup>th</sup> Street, Flatlands Avenue, East 81<sup>st</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 76<sup>th</sup> Street, Flatlands Avenue, and a line 100 feet southwesterly of East 78<sup>th</sup> Street;
  - b. Flatlands Avenue, East 98<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, and Rockaway Parkway;
  - c. Flatlands Avenue, East 103<sup>rd</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, and East 102<sup>nd</sup> Street;
  - d. Flatlands Avenue, East 106<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, and East 104<sup>th</sup> Street;
  - e. Flatlands Avenue, a line 325 feet northeasterly of East 108<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, and East 108<sup>th</sup> Street;

22. establishing within a proposed R4-1 District a C1-3 District bounded by:
- a. Avenue N, Rockaway Parkway, a line 100 feet northwesterly of Seaview Avenue, East 98<sup>th</sup> Street, Seaview Avenue, and a line midway between East 96<sup>th</sup> Street and Rockaway Parkway;
  - b. Glenwood Road, a line midway between East 96<sup>th</sup> Street and Rockaway Parkway, a line 100 feet southeasterly of Glenwood Road, and East 96<sup>th</sup> Street; and
  - c. a line 100 feet southeasterly of Avenue L, a line midway between East 93<sup>rd</sup> Street and East 94<sup>th</sup> Street, a line 150 feet southeasterly of Avenue L, and East 93<sup>rd</sup> Street;
23. establishing within an existing R5 District a C1-3 District bounded by:
- a. Seaview Avenue, a line 450 feet northeasterly of Rockaway Parkway, a line 200 feet southeasterly of Seaview Avenue, Rockaway Parkway, Skidmore Avenue, a line 350 feet southwesterly of Rockaway Parkway, and St. Jude Place; and
  - b. a line 100 feet northwesterly of Glenwood Road, East 105<sup>th</sup> Street, Glenwood Road, and East 103<sup>rd</sup> Street;
24. establishing within a proposed R5D District a C1-3 District bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, East 89<sup>th</sup> Street, Flatlands Avenue, and East 88<sup>th</sup> Street;
  - b. Glenwood Road, a line midway between Rockaway Parkway and East 98<sup>th</sup> Street, Conklin Avenue, Rockaway Parkway, a line 100 feet southeasterly of Flatlands Avenue, East 96<sup>th</sup> Street, a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 96<sup>th</sup> Street and Rockaway Parkway, a line 200 feet southeasterly of Farragut Road, and Rockaway Parkway; and
  - c. a line 100 feet northwesterly of Avenue L, East 95<sup>th</sup> Street, a line 100 feet southeasterly of Avenue L, and East 91<sup>st</sup> Street;
25. establishing within a proposed R4-1 District a C2-3 District bounded by:
- a. Avenue M, East 98<sup>th</sup> Street, a line 360 feet southeasterly of Avenue M, and Rockaway Parkway;
  - b. a line 50 feet northwesterly of Glenwood Road, a line 200 feet northeasterly of Rockaway Parkway, Glenwood Road, and a line 100 feet northeasterly of Rockaway Parkway;

- c. Conklin Avenue, a line midway between East 92<sup>nd</sup> Street and East 93<sup>rd</sup> Street, a line 100 feet northwesterly of Flatlands Avenue, and a line 150 feet southwesterly of East 92<sup>nd</sup> Street; and
  - d. a line 100 feet southeasterly of Avenue L, Rockaway Parkway, a line 220 feet southeasterly of Avenue L, and East 96<sup>th</sup> Street;
26. establishing within a proposed R4A District a C2-3 District bounded by a line 150 feet northwesterly of Avenue L, East 96<sup>th</sup> Street, a line 100 feet northwesterly of Avenue L, and East 95<sup>th</sup> Street;
27. establishing within an existing R5 District a C2-3 District bounded by:
- a. Flatlands Avenue, East 108<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, the northwesterly prolongation of a U.S. Pierhead and Bulkhead Line, the Southwesterly prolongation of a U.S. Pierhead and Bulkhead Line, East 108<sup>th</sup> Street, a line 400 feet southeasterly of Flatlands Avenue, and East 107<sup>th</sup> Street; and
  - b. Skidmore Avenue, Rockaway Parkway, Schenck Street, and East 96<sup>th</sup> Street;
28. establishing within a proposed R5B District a C2-3 District bounded by:
- a. Ralph Avenue, East 79<sup>th</sup> Street, a line 100 feet easterly of Ralph Avenue, a line 100 feet northeasterly of East 78<sup>th</sup> Street, a line perpendicular to the northeasterly street line of East 78<sup>th</sup> Street distant 80 feet southeasterly (as measured along the street line) from the point of intersection of the easterly street line of Ralph Avenue and the northeasterly street line of East 78<sup>th</sup> Street, and East 78<sup>th</sup> Street; and
  - b. Ralph Avenue, East 77<sup>th</sup> Street, a line 150 feet easterly of Ralph Avenue, East 76<sup>th</sup> Street, and Glenwood Road; and
29. establishing within a proposed R5D District a C2-3 District bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, East 88<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 86<sup>th</sup> Street, Flatlands Avenue, East 85<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 84<sup>th</sup> Street, Flatlands Avenue, East 81<sup>st</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 76<sup>th</sup> Street, Flatlands Avenue, and a line 100 feet southwesterly of East 78<sup>th</sup> Street;
  - b. a line 100 feet northwesterly of Flatlands Avenue, a line 125 feet northeasterly of Remsen Avenue, Flatlands Avenue, and East 89<sup>th</sup> Street,

- c. a line 100 feet northwesterly of Flatlands Avenue, East 93<sup>rd</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, East 91<sup>st</sup> Street, Flatlands Avenue, and a line 150 feet southwesterly of East 92<sup>nd</sup> Street;
- d. Foster Avenue, East 98<sup>th</sup> Street, a line 200 feet southeasterly of Foster Avenue, and Rockaway Avenue;
- e. a line midway between East 96<sup>th</sup> Street and Rockaway Parkway, a line 225 feet northwesterly of Farragut Road, Rockaway Parkway, a line 200 feet northwesterly of Farragut Road, a line midway between Rockaway Parkway and East 98<sup>th</sup> Street and its southeasterly prolongation, and Glenwood Road;
- f. Flatlands Avenue, East 98<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, and Rockaway Parkway;
- g. a line 100 feet northwesterly of Avenue L, Rockaway Parkway, a line 100 feet southeasterly of Avenue L, and East 94<sup>th</sup> Street;
- h. Flatlands Avenue, East 103<sup>rd</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, and East 102<sup>nd</sup> Street;
- i. Flatlands Avenue, East 106<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, and East 104<sup>th</sup> Street; and
- j. Flatlands Avenue, a line 325 feet northeasterly of East 108<sup>th</sup> Street, a line 100 feet southeasterly of Flatlands Avenue, and East 108<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated February 17, 2009 and subject to the conditions of CEQR Declaration E-230.

(On April 22, 2009, Cal. No. 1, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**Nos. 17 & 18*****BRIGHTON BEACH REZONING*****No. 17****CD 13****C 090284 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. 28c, 28d, and 29b:

1. eliminating from within an existing R6 District a C1-2 District bounded by:
  - a. a line 150 feet northwesterly of Neptune Avenue, a line midway between Coney Island Avenue and Brighton 8<sup>th</sup> Street, Neptune Avenue, Coney Island Avenue, a line 150 southeasterly of Neptune Avenue, Brighton 8<sup>th</sup> Street, Neptune Avenue, and Brighton 7<sup>th</sup> Street; and
  - b. Brighton 10<sup>th</sup> Street and its westerly centerline prolongation, a line 150 feet easterly of Coney Island Avenue, a line 150 feet northwesterly of Brighton Beach Avenue, Brighton 11<sup>th</sup> Street, Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line 100 feet southeasterly of Brighton Beach Avenue, Ocean Parkway, a line 150 northwesterly of Brighton Beach Avenue, and a line 90 feet westerly of Coney Island Avenue;
2. eliminating from within an existing R6 District a C1-3 District bounded by a line 150 feet northerly and northeasterly of Brighton Beach Avenue, Brighton 15<sup>th</sup> Street, Brighton Beach Avenue, and Brighton 11<sup>th</sup> Street;
3. changing from an R6 District to an R4A District property bounded by a line 130 feet southeasterly of Neptune Avenue, a line midway between Brighton 6<sup>th</sup> Street and Brighton 7<sup>th</sup> Street, a line 100 feet southeasterly of Neptune Avenue, a line 100 feet westerly of Coney Island Avenue, Oceanview Avenue, Brighton 2<sup>nd</sup> Street, a line 100 feet northwesterly of Brighton Beach Avenue, and Brighton 1<sup>st</sup> Street;
4. changing from an R6 District to an R5 District property bounded by:
  - a. a line 140 feet southwestly of Cass Place, a line midway between Brighton 11<sup>th</sup> Street and Brighton 12<sup>th</sup> Street, a line 210 feet southwestly of Cass Place, Brighton 12<sup>th</sup> Street, a line 400 feet northeasterly of Oceanview Avenue, a line midway between Brighton

11<sup>th</sup> Street and Brighton 12<sup>th</sup> Street, a line 240 feet northeasterly of Oceanview Avenue, and Brighton 11<sup>th</sup> Street;

- b. Brighton 12<sup>th</sup> Street, Corbin Place, Brighton 15<sup>th</sup> Street, a line 100 feet westerly of Corbin Place, Oceanview Avenue, a line 100 feet northwesterly of Brighton 14<sup>th</sup> Street, a line 140 feet northeasterly Oceanview Avenue, and a line 100 feet westerly of Corbin Place; and
  - c. a line perpendicular to the northwesterly street line of Brighton 11<sup>th</sup> Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11<sup>th</sup> Street, a line 160 feet northwesterly of Brighton 11<sup>th</sup> Street, a line 550 feet northeasterly of the first named course, and Brighton 11<sup>th</sup> Street;
5. changing from an R6 District to an R5D District property bounded by:
- a. Shore Parkway (North), Coney Island Avenue, a line 100 feet northwesterly of Neptune Avenue, a line perpendicular to the southeasterly street line of Brighton 4<sup>th</sup> Terrace distant 80 feet northeasterly (as measured along the street line) from the point of intersection of the easterly street line of Brighton 4<sup>th</sup> Street and the southeasterly street line of Brighton 4<sup>th</sup> Terrace, Brighton 4<sup>th</sup> Terrace, Brighton 4<sup>th</sup> Street, a line perpendicular to the easterly street line of Brighton 3<sup>rd</sup> Street distant 270 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Neptune Avenue and easterly street line of Brighton 3<sup>rd</sup> Street, Brighton 3<sup>rd</sup> Street, a line 100 feet northwesterly of Neptune Avenue, a line midway between Ocean Parkway and Brighton 3<sup>rd</sup> Street, a line 100 feet southerly of Shore Parkway (South), and Brighton 3<sup>rd</sup> Street and its northerly centerline prolongation;
  - b.
    1. Guilder Avenue,
    2. a line midway between Coney Island Avenue and East 11<sup>th</sup> Street,
    3. Neptune Avenue,
    4. a line 100 feet easterly of Coney Island Avenue,
    5. Brighton 10<sup>th</sup> Court,
    6. a line 80 feet easterly of Coney Island Avenue,
    7. Brighton 10<sup>th</sup> Path,
    8. Coney Island Avenue,
    9. Brighton 10<sup>th</sup> Lane,
    10. a line 80 feet easterly of Coney Island Avenue,
    11. a line 160 feet northwesterly of Brighton 11<sup>th</sup> Street,
    12. a line 550 feet northeasterly of a line perpendicular to the northwesterly street line of Brighton 11<sup>th</sup> Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11<sup>th</sup> Street,

13. Brighton 11<sup>th</sup> Street,
  14. Oceanview Avenue,
  15. a line midway between Brighton 11<sup>th</sup> Street and Brighton 12<sup>th</sup> Street,
  16. a line 100 feet northeasterly of Oceanview Avenue,
  17. Brighton 11<sup>th</sup> Street,
  18. a line perpendicular to the northwesterly street line of Brighton 11<sup>th</sup> Street distant 470 feet southwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Cass Place and the northwesterly street line of Brighton 11<sup>th</sup> Street,
  19. a line 160 feet northwesterly of Brighton 11<sup>th</sup> Street,
  20. a line 200 feet northeasterly of Course No. 18 above,
  21. Brighton 10<sup>th</sup> Street,
  22. Neptune Avenue, and
  23. the southerly centerline prolongation of East 12<sup>th</sup> Street;
- c. a line 100 feet southwesterly of Oceanview Avenue, Brighton 13<sup>th</sup> Street, a line 220 feet southwesterly of Oceanview Avenue, a line midway between Brighton 13<sup>th</sup> Street and Brighton 14<sup>th</sup> Street, a line 100 feet southwesterly of Oceanview Avenue and its southeasterly prolongation (at Brighton 14<sup>th</sup> Street), a line 100 feet southeasterly of Brighton 14<sup>th</sup> Street, a line 180 feet northeasterly of Brighton Beach Avenue, Brighton 14<sup>th</sup> Street, a line 140 feet northeasterly of Brighton Beach Avenue, Brighton 13<sup>th</sup> Street, a line 100 feet northeasterly of Brighton Beach Avenue, a line midway between Brighton 12<sup>th</sup> Street and Brighton 13<sup>th</sup> Street, a line 240 feet southwesterly Oceanview Avenue, and Brighton 12<sup>th</sup> Street;
- d. Oceanview Avenue, a line 100 feet westerly of Coney Island Avenue, a line 100 feet northwesterly of Brighton Beach Avenue, and Brighton 2<sup>nd</sup> Street; and
- e. a line 130 feet southeasterly of Neptune Avenue, Brighton 1<sup>st</sup> Street, a line perpendicular to the easterly street line of Ocean Parkway distant 150 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and easterly street line of Ocean Parkway, and a line 130 feet easterly of Ocean Parkway;
6. changing from an R6 District to an R7A District property bounded by Shore Parkway (North), Brighton 3<sup>rd</sup> Street and its northerly centerline prolongation, a line 100 feet southerly of Shore Parkway (South), a line midway between Ocean Parkway and Brighton 3<sup>rd</sup> Street, a line 100 feet northwesterly of Neptune Avenue, Brighton 3<sup>rd</sup> Street, a line perpendicular to the easterly street line of Brighton 3<sup>rd</sup> Street distant 270 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Neptune Avenue and easterly street line of Brighton 3<sup>rd</sup> Street, Brighton 4<sup>th</sup> Street, Brighton 4<sup>th</sup>

Terrace, a line perpendicular to the southeasterly street line of Brighton 4<sup>th</sup> Terrace distant 80 feet northeasterly (as measured along the street line) from the point of intersection of the easterly street line of Brighton 4<sup>th</sup> Street and the southeasterly street line of Brighton 4<sup>th</sup> Terrace, a line 100 feet northwesterly of Neptune Avenue, Coney Island Avenue, Neptune Avenue, a line 100 feet easterly of Coney Island Avenue, Brighton 10<sup>th</sup> Court, a line 80 feet easterly of Coney Island Avenue, Brighton 10<sup>th</sup> Path, Coney Island Avenue, Brighton 10<sup>th</sup> Lane, a line 80 feet easterly of Coney Island Avenue, a line 160 feet northwesterly of Brighton 11<sup>th</sup> Street, a line perpendicular to the northwesterly street line of Brighton 11<sup>th</sup> Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11<sup>th</sup> Street, Brighton 11<sup>th</sup> Street, Oceanview Avenue, a line midway between Brighton 11<sup>th</sup> Street and Brighton 12<sup>th</sup> Street, a line 100 feet northeasterly of Oceanview Avenue, Brighton 11<sup>th</sup> Street, a line 240 feet northeasterly of Oceanview Avenue, a line midway between Brighton 11<sup>th</sup> Street and Brighton 12<sup>th</sup> Street, a line 400 feet northeasterly of Oceanview Avenue, Brighton 12<sup>th</sup> Street, a line 210 feet southwesterly of Cass Place, a line midway between Brighton 11<sup>th</sup> Street and Brighton 12<sup>th</sup> Street, a line 140 feet southwesterly of Cass Place, Brighton 11<sup>th</sup> Street, Cass Place, Corbin Place, Brighton 12<sup>th</sup> Street, a line 100 feet westerly of Corbin Place, a line 140 feet northeasterly of Oceanview Avenue, a line 100 feet northwesterly of Brighton 14<sup>th</sup> Street, Oceanview Avenue, a line 100 feet westerly of Corbin Place, Brighton 15<sup>th</sup> Street, Corbin Place and its southerly centerline prolongation, Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line 100 feet southerly of Brighton Beach Avenue, Coney Island Avenue, a line perpendicular to the westerly street line of Coney Island Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Brighton Beach Avenue and the westerly street line of Coney Island Avenue, a line 100 feet westerly of Coney Island Avenue, a line 100 feet southeasterly of Neptune Avenue, a line midway between Brighton 6<sup>th</sup> Street and Brighton 7<sup>th</sup> Street, a line 130 feet southeasterly of Neptune Avenue, a line 130 feet easterly of Ocean Parkway, a line perpendicular to the easterly street line of Ocean Parkway distant 150 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the easterly street line of Ocean Parkway, and Ocean Parkway; and excluding the area bounded by a line 100 feet southwesterly of Oceanview Avenue, Brighton 13<sup>th</sup> Street, a line 220 feet southwesterly of Ocean View Avenue, a line midway between Brighton 13<sup>th</sup> Street and Brighton 14<sup>th</sup> Street, a line 100 feet southwesterly of Oceanview Avenue and its southeasterly prolongation (at Brighton 14<sup>th</sup> Street), a line 100 feet southeasterly of Brighton 14<sup>th</sup> Street, a line 180 feet northeasterly of Brighton Beach Avenue, Brighton 14<sup>th</sup> Street, a line 140 feet northeasterly of Brighton Beach Avenue, Brighton 13<sup>th</sup> Street, a line 100 feet northeasterly of Brighton Beach Avenue, a line midway between Brighton 12<sup>th</sup> Street and Brighton 13<sup>th</sup> Street, a line 240 feet southwesterly of Oceanview Avenue, and Brighton 12<sup>th</sup> Street;

7. changing from an R6 District to a C4-4A District property bounded by a line perpendicular to the westerly street line of Coney Island Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Brighton Beach Avenue and the westerly street line of Coney Island Avenue, Coney Island Avenue, a line 100 feet southeasterly and southerly of Brighton Beach Avenue, Ocean Parkway, a line perpendicular to the easterly street line of Ocean Parkway distant 150 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and easterly street line of Ocean Parkway, Brighton 1<sup>st</sup> Street, a line 100 feet northwesterly of Brighton Beach Avenue, and line 100 feet westerly of Coney Island Avenue;
  
8. establishing within a proposed R7A District a C2-4 District bounded by a line 100 feet northwesterly of Neptune Avenue, Coney Island Avenue, Neptune Avenue, a line 100 feet easterly of Coney Island Avenue, Brighton 10<sup>th</sup> Court, a line 80 feet easterly of Coney Island Avenue, Brighton 10<sup>th</sup> Path, Coney Island Avenue, Brighton 10<sup>th</sup> Lane, a line 80 feet easterly of Coney Island Avenue, a line 160 feet northwesterly of Brighton 11<sup>th</sup> Street, a line perpendicular to the northwesterly street line of Brighton 11<sup>th</sup> Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11<sup>th</sup> Street, Brighton 11<sup>th</sup> Street, a line 100 feet northerly and northeasterly of Brighton Beach Avenue, Brighton 13<sup>th</sup> Street, a line 140 feet northeasterly of Brighton Beach Avenue, Brighton 14<sup>th</sup> Street, a line 100 feet northeasterly of Brighton Beach Avenue, Brighton 15<sup>th</sup> Street, Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line 100 feet southerly of Brighton Beach Avenue, Coney Island Avenue, a line perpendicular to the westerly street line of Coney Island Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Brighton Beach Avenue and the westerly street line of Coney Island Avenue, a line 100 feet southeasterly of Neptune Avenue, a line midway between Brighton 6<sup>th</sup> Street and Brighton 7<sup>th</sup> Street, a line 130 feet southeasterly of Neptune Avenue, and Ocean Parkway; and
  
9. establishing a Special Ocean Parkway District bounded by Brighton Beach Avenue, Coney Island Avenue, a line 100 feet southerly of Brighton Beach Avenue, and Ocean Parkway;

as shown on a diagram (for illustrative purposes only) dated January 20, 2008 and subject to the conditions of CEQR Declaration E-228.

(On April 22, 2009, Cal. No. 2, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 18**

**CD 13**

**N 090285 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, relating to Article XI, Chapter 3 (Special Ocean Parkway District), in Community District 13, Borough of Brooklyn.

Matter in underline is new, to be added;

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

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

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

\* \* \*

**Article I**

**Chapter 2**

**Construction of Language and Definitions**

\* \* \*

**12-10**

**DEFINITIONS**

Words in the text or tables of this Resolution which are ~~#italicized#~~ shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

Special Ocean Parkway District

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply. The ~~#Special Ocean Parkway District#~~ appears on the ~~#zoning maps#~~ superimposed on other districts and its regulations supplement or modify those of the districts on which it is superimposed.

~~The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A in Article XI, Chapter 3. In addition to the requirements of Sections 113-10 through 113-40, the special regulations set forth in Sections 113-50 through 113-57, inclusive, shall apply to the subdistricts.~~

\* \* \*

**Article II**

**Chapter 3**

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

\* \* \*

**23-011**

**Quality Housing Program**

\* \* \*

(c) The Quality Housing Program shall not apply to:

\* \* \*

- (3) #zoning lots# in R6 or R7 Districts within the study areas set forth in this paragraph, (c)(3), and occupied, as of August 14, 1987, by a #single-#, #two-# or three-#family detached# or #semi-detached residence# where 70 percent or more of the aggregate length of the blockfronts in #residential use# on both sides of the #street# facing each other are occupied by such #residences#. For any #development# on such #zoning lot#, the #floor area ratio# and density requirements of the underlying district shall apply. On a #narrow street# that intersects with a #wide street#, the 70 percent #residential use# requirement on a #narrow street# shall be measured from a distance of 100 feet from its intersection with a #wide street#.

The study areas are:

\* \* \*

In the borough of Brooklyn:

**Ocean Parkway Area**

The area bounded by Church Avenue, Stratford Road, Beverley Road, Ocean Avenue, Foster Avenue and Coney Island Avenue.

**Midwood Area**

The area bounded by Avenue M, Ocean Avenue, Quentin Road, and a line midway between East 10th Street and Coney Island Avenue.

**Brighton Beach Area**

The area bounded by Shore Parkway, NYCTA Brighton Right-of-Way, ~~Brighton Beach Avenue and Ocean Parkway~~, Cass Place, Guider Avenue and Coney Island Avenue.

\* \* \*

**23-90**

**INCLUSIONARY HOUSING**

\* \* \*

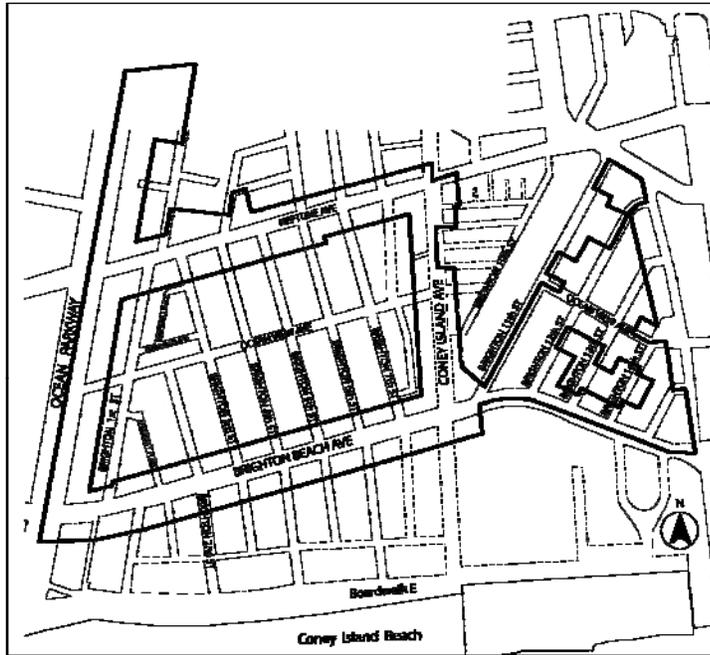
**23-922**

**Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

\* \* \*

(k) In Community District 13, in the Borough of Brooklyn, in the R7A District within the area shown on the following Map 16:



MAP 16  
Portion of Community District 13, Brooklyn

\* \* \*

**Article XI - Special Purpose Districts**

**Chapter 3**  
**Special Ocean Parkway District**

\* \* \*

**113-00**  
**GENERAL PURPOSES**

The "Special Ocean Parkway District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others the following specific purposes:

- (a) to promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway;
- (b) to maintain the existing scale and character of the community by limiting the bulk of permitted community facilities;
- (c) to protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

#### **113-01**

##### **Definitions**

~~Special Ocean Parkway District  
(repeated from Section 12-10)~~

~~The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3 apply. The #Special Ocean Parkway District# appears on the #zoning map# superimposed on other districts and its regulations supplement or modify those of the districts on which it is superimposed.~~

~~The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A in Article XI, Chapter 3. In addition to the requirements of Sections 113-10 through 113-40, the special regulations set forth in Sections 113-50 through 113-57, inclusive, shall apply to the subdistrict.~~

#### **113-021**

##### **General Provisions**

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District the regulations of the underlying districts remain in force.

In order to preserve and enhance the character of the neighborhood, Subdistrict A within the #Special Ocean Parkway District# is established to encourage large single- or two-family detached and semi-detached residences. Subdistrict B is established to encourage

the formation of a development pattern that will provide access to city services by locating development on streets of adequate width, and Subdistrict C is established to encourage development that strengthens the commercial character of Brighton Beach Avenue and promotes building designs that are compatible with the adjacent elevated subway.

**113-02**  
**District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Ocean Parkway District# Plan.

The District Plan includes the following maps:

<u>Map 1</u>	<u>Special Ocean Parkway District and Subdistricts</u>
<u>Map 2</u>	<u>Public Ways Designated as Streets in Subdistrict B</u>

These maps are located in Appendix A of this Chapter and are hereby incorporated and made a part of this Resolution. The maps are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

**113-03**  
**Subdistricts**

There are three special subdistricts within the #Special Ocean Parkway District# which are identified in Appendix A of this Chapter. In addition to the requirements of Sections 113-10 through 113-40, the special regulations set forth in Sections 113-50 through 113-75, inclusive, shall apply to the subdistricts.

**113-10**  
**SPECIAL BULK REGULATIONS**

**113-11**  
**Special Bulk Regulations for Community Facilities**

\* \* \*

(c) ~~in the s~~ in Subdistrict A the special #bulk# regulations set forth in Section 113-503  
~~(Special bulk regulations)~~ shall apply; and

\* \* \*

**113-13**  
**Special Height and Setback Regulations**

For all #developments# or #enlargements# in R7A Districts with frontage along Ocean Parkway between Shore Parkway and Brighton Beach Avenue, the underlying height and setback regulation shall be modified to establish a minimum base height of 60 feet, a maximum base height of 85 feet and a maximum building height of 125 feet.

\* \* \*

**113-50****THE SUB-DISTRICT SUBDISTRICT A****113-501****General purposes**

In order to preserve and enhance the character of the neighborhood, the subdistrict within the Special Ocean Parkway District is established which encourages large single or two-family detached and semi-detached residences.

**113-502****Special use regulations**

Within ~~the s~~ Subdistrict A, #single-# and #two-family detached# and #semi-detached residences# and #uses# listed in Use Groups 3 or 4 are the only permitted #uses#. #Non-conforming single-# or #two-family residences# may be #enlarged# or #extended# pursuant to the provisions of the subdistrict provided that a 30 foot #rear yard# is maintained. All other #non-conforming uses# shall be subject to the provisions of Article V, Chapter 2 (Non-Conforming Uses).

**113-503****Special bulk regulations**

For #single-# and #two-family detached# and #semi-detached residences# in Subdistrict A, certain underlying ~~district~~ #bulk# regulations set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) are superseded by those set forth in Sections 113-51 through 113-55, inclusive. The regulations applicable to a #predominantly built-up area# shall not apply ~~in the subdistrict~~.

For #community facility buildings# in Subdistrict A, certain underlying ~~district~~ #bulk# regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-52 (Density Regulations), 113-542 (Minimum required front yards), 113-543 (Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter) and 24-04 (Modification of Bulk Regulations in Certain Districts) pertaining to R4-1 Districts shall not apply ~~in the subdistrict~~.

\* \* \*

**113-55****Height and Setback Regulations**

The height and setback regulations of a #residential building or other structure# ~~in the s~~ Subdistrict A shall be as set forth in Section 23-631, for #buildings or other structures# in R4A Districts, except that paragraph (b)(2) of Section 23-631 shall be modified as follows:

Each perimeter wall of the #building or other structure# may have one or more apex points directly above it on the 35 foot high plane. (See Figure B).

\* \* \*

**113-60**

**SUBDISTRICT B**

**113-61**

**Determination of Streets**

Within Subdistrict B, only those public ways indicated on Map 2 (Public Ways Designated as Streets in Subdistrict B) in Appendix A of this Chapter shall be considered #streets# for the purposes of applying the #bulk#, #use# and parking regulations of this Chapter.

**113-62**

**Optional Provisions for Certain Lots**

The #bulk#, #use# and parking regulations of an R5D District may be applied within Subdistrict B for #zoning lots# that have a minimum depth of 70 feet and front upon a #street#, as indicated on Map 2 in Appendix A of this Chapter.

**113-70**

**SUBDISTRICT C**

**113-71**

**Special Use Regulations**

**113-711**

**Ground Floor Use**

For #buildings# fronting upon Brighton Beach Avenue, #uses# on the ground floor, or within five feet of #curb level# shall be limited to Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2. Such #uses# shall have a depth of at least 30 feet from the #street wall# of the #building# and extend along the entire width of the #building#, except for lobbies and entrances to #accessory# parking spaces. Such lobbies and entrances may not occupy more than 20 feet or 25 percent of the #street wall# width of the #building#, whichever is less. Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided such spaces are located beyond 30 feet of the #street wall# of the building frontage on Brighton Beach Avenue.

**113-712**

**Transparency Requirements**

For any #developments#, or for the #enlarged# portion of a #building#, each ground floor #street wall# shall be glazed with transparent materials which may include #show

windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

### **113-72**

#### **Special Height and Setback Regulations**

The underlying height and setback regulations shall be modified for #developments# or #enlargements# fronting on Brighton Beach Avenue to establish a minimum base height of 30 feet, a maximum base height of 40 feet and a maximum #building# height of 100 feet.

### **113-73**

#### **Special Parking and Curb Cut Regulations**

### **113-731**

#### **Location of curb cuts**

Curb cuts shall not be permitted on Brighton Beach Avenue. However, for #zoning lots# without access to a #street# other than Brighton Beach Avenue, the Chairperson of the Planning Commission may, by certification to the Department of Buildings, may approve such curb cut, provided that such location:

- (a) is the only possible location for access to the parking or loading facility;
- (b) does not exceed a width of 20 feet;

Such access restrictions with regard to curb cuts shall not apply to #schools#, hospitals and related facilities, police stations or fire stations.

### **113-732**

#### **Modification of waiver of parking requirements**

For #residential developments# and #enlargements#, the provisions of Sections 36-34 (Modification of Parking Requirements for Small Zoning Lots) and 36-36 (Waiver of Requirements for Small Number of Spaces), shall apply only on #zoning lots# existing on (effective date), and on the date of application for a building permit.

### **113-733**

#### **Reduced requirements for small zoning lots**

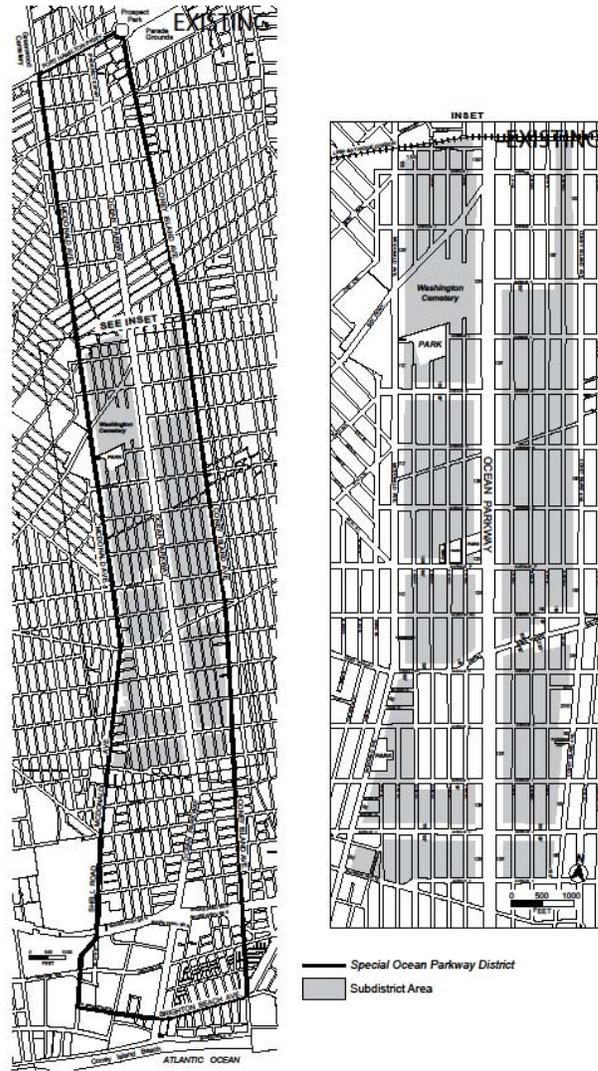
For #residential developments# and #enlargements# on #zoning lots# with a #lot area# that is less than 10,000 square feet, the number of required #accessory# offstreet parking

spaces shall be at least 30 percent of the total number of #dwelling units#. For #zoning lots# with a #lot area# that is greater than 10,000 square feet, the number of required #accessory# offstreet parking spaces shall be at least 50 percent of the total number of #dwelling units#.

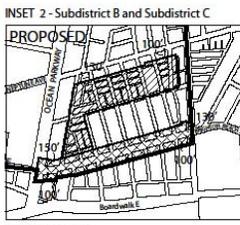
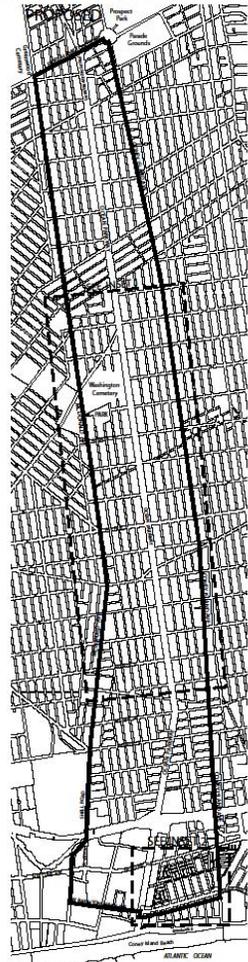
**Appendix A**  
**Special Ocean Parkway District**

Map 1      Special Ocean Parkway District and Subdistricts

APPENDIX A  
MAP 1: SPECIAL OCEAN PARKWAY DISTRICT AND SUBDISTRICT



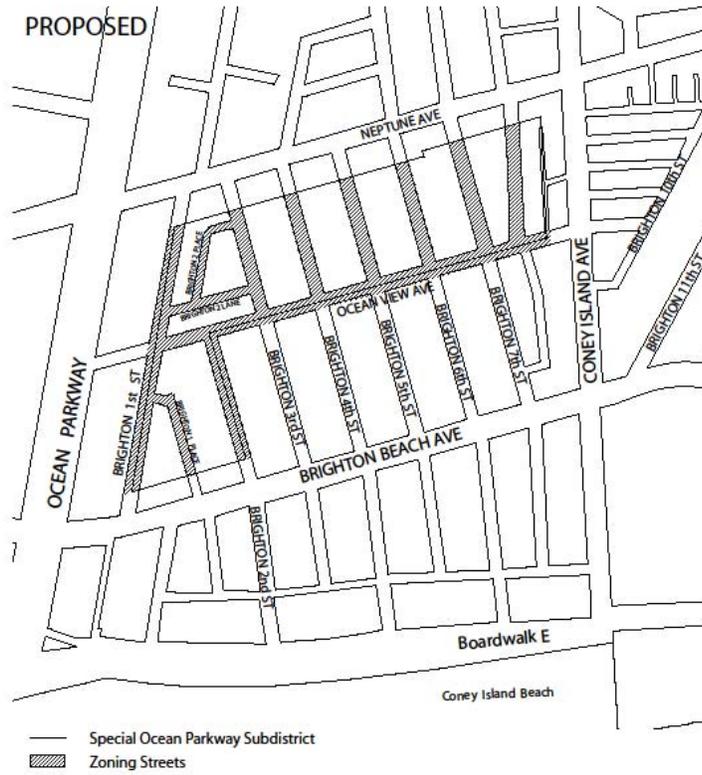
APPENDIX A  
MAP 1: SPECIAL OCEAN PARKWAY DISTRICT AND SUBDISTRICTS



- Subdistrict A
- Subdistrict B
- Subdistrict C

Map 2      Public Ways Designated as Streets in Subdistrict B

Map 2. Rights-of-Way Designated as Streets in Subdistrict B



(On April 22, 2009, Cal. No. 3, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

\_\_\_\_\_

**Nos. 19-26*****CONEY ISLAND PLAN*****No. 19**

**NOTE: This hearing is not likely to begin before 11:00 a.m.**

**CD 13**

**C 090272 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 No. 28d:

1. eliminating from within an existing R6 District a C1-2 District bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17<sup>th</sup> Street, a line 250 feet southerly of Mermaid Avenue, West 19<sup>th</sup> Street, a line 150 feet southerly of Mermaid Avenue, and West 20<sup>th</sup> Street;
2. changing from a C7 District to an R5 District property bounded by a line 300 feet northerly of the northerly boundary line of Coney Island Beach, a line 150 feet northerly of former Highland View Avenue\*, West 22<sup>nd</sup> Street, the northerly and easterly boundary line of a park\*, the northerly boundary line of Coney Island Beach, and West 24<sup>th</sup> Street and its southerly centerline prolongation;
3. changing from an R6 District to an R7A District property bounded by Mermaid Avenue, West 15<sup>th</sup> Street, a line 100 feet southerly of Mermaid Avenue, and West 20<sup>th</sup> Street;
4. changing from a C7 District to an R7D District property bounded by Surf Avenue, the northerly prolongation of the westerly boundary line of a park, the northerly and westerly boundary line of a former park\*, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park\*, and West 22<sup>nd</sup> Street; and excluding the area bounded by the southerly street line of Surf Avenue, the westerly street line of West 21<sup>st</sup> Street, the southerly, easterly and southerly boundary line of a former park\*, and the easterly street line of West 22<sup>nd</sup> Street;
5. changing from an R6 District to an R7X District property bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17<sup>th</sup> Street, Surf Avenue, West 20<sup>th</sup> Street, a line 100 feet southerly of Mermaid Avenue, and West 15<sup>th</sup> Street;
6. changing from a C7 District to an R7X District property bounded by a line 150 feet southerly of Mermaid Avenue, Stillwell Avenue, Surf Avenue, and West 17<sup>th</sup> Street;

7. establishing an R7D District bounded by:
  - a. the southerly street line of Surf Avenue, the westerly street line of West 21<sup>st</sup> Street, the southerly, easterly and southerly boundary line of a former park\*, and the easterly street line of West 22<sup>nd</sup> Street; and
  - b. the southerly street line of Surf Avenue, the proposed westerly boundary line of a park, the northerly boundary line of Coney Island Beach, and the westerly boundary line of a former park\*;
8. establishing within a proposed R7A District a C2-4 District bounded by Mermaid Avenue, West 15<sup>th</sup> Street, a line 100 feet southerly of Mermaid Avenue, and West 20<sup>th</sup> Street;
9. establishing within a proposed R7D District a C2-4 District bounded by Surf Avenue, the westerly boundary line of a park, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park\*, and West 22<sup>nd</sup> Street;
10. establishing within a proposed R7X District a C2-4 District bounded by Mermaid Avenue, Stillwell Avenue, Surf Avenue, West 20<sup>th</sup> Street, a line 100 feet southerly of Mermaid Avenue, and West 15<sup>th</sup> Street; and
11. establishing a Special Coney Island District (CI) bounded by Mermaid Avenue, Stillwell Avenue, the southerly boundary of the MTA New York City Transit Authority right-of-way, West 8<sup>th</sup> Street, Surf Avenue, the centerline of former West 8<sup>th</sup> Street and its northerly centerline prolongation, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park\*, West 22<sup>nd</sup> Street, Surf Avenue, and West 20<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated January 20, 2008 and subject to the conditions of CEQR Declaration E-229.

\*Note: Highland View Avenue and existing parks are proposed to be eliminated, and new parks are proposed to be established under a related concurrent application 090107 MMK for a change in the City Map.

(On April 22, 2009, Cal. No. 4, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

No. 20

CD 13

N 090273 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, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1) , in Community District 13, Borough of Brooklyn.

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 where unchanged text appears in the Zoning Resolution

**11-12  
Establishment of Districts**

\* \* \*  
Establishment of the Special Clinton District  
\* \* \*

**Establishment of the Special Coney Island District**

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

**Establishment of the Special Coney Island Mixed Use District**

\* \* \*

**12-10  
Definitions**

\* \* \*

Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters "CI" in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

**14-44  
Special Zoning Districts Where Certain Sidewalk Cafes are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Brooklyn		
Bay Ridge District	Yes	Yes
<u>Coney Island District</u>	<u>No</u>	<u>Yes</u>
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District*	Yes	Yes
Sheepshead Bay District	No	Yes

special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

\* \* \*

-----

\* #Sidewalk cafes# are not allowed on Ocean Parkway

\* \* \*

**Chapter 5  
Residential Conversion of Existing Non-Residential Buildings**

\* \* \*

**15-011  
Applicability within Special Districts**

\* \* \*

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

\* \* \*

**ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW**

**131-00**

**GENERAL PURPOSES**

The #Special Coney Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of buildings on the access to light and air to streets, the boardwalk and parks of the district and surrounding neighborhood;
- (g) promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

**131-01**

**General Provisions**

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**131-02**

**District Plan and Maps**

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix of this Chapter.

Map 1	Special Coney Island District and Subdistricts
Map 2	Mandatory Ground Floor Use Requirements
Map 3	Coney East Subdistrict Floor Area Ratios
Map 4	Street Wall Location
Map 5	Minimum and Maximum Base Heights
Map 6	Coney West Subdistrict Transition Heights

### **131-03**

#### **Subdistricts**

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

Coney East  
 Coney West  
 Coney North  
 Mermaid Avenue

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix of this Chapter.

### **131-04**

#### **Applicability**

#### **131-041**

##### **Applicability of Article I, Chapter 1**

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or

- (b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

**131-042**

**Applicability of Article 1, Chapter 5**

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

**131-043**

**Applicability of Article 7 Chapter 4**

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

**131-044**

**Physical Culture Establishments**

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North and Coney West Subdistricts. In lieu thereof, physical culture establishments shall be allowed as-of-right.

**131-045**

**Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park**

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of the Riegelmann Boardwalk, Keyspan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

**131-10**

**SPECIAL USE REGULATIONS**

The #use# regulations of the underlying Commercial Districts are modified in Sections 131-11 through 131-15, inclusive.

As used in this Chapter, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

**131-11**  
**Use Group 5**

For the purposes of this Chapter, the definition of #transient hotels# shall be modified as set forth in this Section, and only #transient hotels# as defined in this Section shall be permitted in specified locations. Special regulations for #transient hotels# and “transient occupancy” are set forth as follows:

A #transient hotel# is a #building# or part of a #building# in which:

- (a) all units containing living or sleeping accommodations are used exclusively for “transient occupancy,” which shall be defined as follows:
  - (1) such occupancy does not exceed any period of 29 consecutive days or a total of 60 days in a calendar year; or
  - (2) such occupancy is the result of a referral by a government agency to provide temporary accommodations.
- (b) each such unit is available each day for rent, unless rented, except for periods of maintenance and repair;
- (c) all such units are fully furnished by the hotel operator;
- (d) one or more common entrances serve all such units;
- (e) there is a uniform key entry system, administered by management or hotel staff, to receive and disburse keys for each room; and
- (f) twenty-four hour desk service, housekeeping services and the furnishing and laundering of linens are provided.

A central rubbish chute shall be accessible only to hotel staff. Restaurants, cocktail lounges, public banquet halls, ballrooms and meeting rooms shall be considered #accessory uses# provided such #uses# are accessible to all occupants of the #transient hotel# and their guests from a common area of the #transient hotel#.

**13-12**  
**Use Groups A, B and C**

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

**131-121**

**Use Group A: Amusements**

Use Group A consists of a group of #uses# selected from Use Groups 12, 13 and 15 as modified in this Section, and may be open or enclosed:

Amusement arcades

Amusement parks, with no limitation on floor area per establishment

Animal exhibits, circuses, carnivals or fairs of a temporary nature

Arenas or auditoriums, with capacity limited to 2,500 seats

Billiard parlors or pool halls, bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Camps, overnight or day, commercial beaches or swimming pools

Dark rides, electronic or computer-supported games including interactive entertainment facilities, laser tag and motion simulators

Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions

Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions

Gymnasiums or recreational sports facilities including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements

Miniature golf courses and model car hobby centers, including racing

Open booths with games of skill or chance, including shooting galleries

Skateboard parks, roller or ice skating rinks

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet except that on #corner lots# one #street# frontage may extend up to 100 feet.

Water parks

#Accessory uses# to the amusements listed above, including the display and sale of goods or services, provided:

- (a) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment, or, for open #uses#, not more than 25 percent of the #lot area#;
- (b) such #accessory uses# are entered only through the principal amusement establishment;
- (c) such #accessory uses# share common cash registers with the principal amusement #use#;
- (d) such #accessory uses# shall have the same hours of operation as the principal amusement #use#; and
- (e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building#, or, for open #uses#, at least 30 feet from the #street line#.

**131-122**

**Use Group B: Amusement and Entertainment District Enhancing Uses**

Use Group B consists of a group of #uses# selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial

Banquet halls

Breweries

Eating or drinking establishments of any size, including those with entertainment or dancing

Historical exhibits

Spas and bathhouses

Studios, art, music, dancing or theatrical

Tattoo parlors

Radio or television studios

Wedding chapels

**131-123**

**Use Group C: Retail and Service Uses**

Use Group C consists of a group of retail and service #uses#, as modified in this Section, selected from Use Groups 6, 7, 12 and 14:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops

Bookstores

Candy or ice cream stores

Cigar and tobacco stores

Clothing or clothing accessory

Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing

Delicatessen stores

Fishing tackle or equipment, rental or sales

Gift shops

Jewelry manufacturing from precious metals

Musical instruments store

Toy stores

Music stores

Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

**131-13**

**Special Use Regulations in Subdistricts**

**131-131**

**Coney East Subdistrict**

The #use# regulations of the underlying C7 District are modified as set forth in this Section. Use Groups A, B and C, #transient hotels#, as set forth in Sections 131-11 through 131-124, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Wonder Wheel Way and Bowery

At least 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# along shall be occupied by Use Group A #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

The Surf Avenue frontage of any ground floor level establishment shall not exceed a #street wall# width of 60 feet. However, an establishment may exceed a #street wall# width of 60 feet where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such additional width is necessary to accommodate an amusement #use# listed in Use Group A.

(d) Transient Hotels

- (1) #transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15<sup>th</sup> Street and West 16<sup>th</sup> Street south of the prolongation of the centerline of Bowery;
- (2) #transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage,
- (3) for #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A #uses#, equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either on-site or anywhere within the Coney East Subdistrict.
- (4) the #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to lobbies, retail or eating and drinking establishments and amusements.

(5) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Parcel 1

On Parcel 1 as shown on Map 2, only #uses# listed in Use Group A shall be permitted.

(g) Parcel 2

On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

### 131-132

#### Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply except as modified in this Section for #uses# fronting upon designated streets, as shown on Map 2 (Mandatory Ground Floor Use Requirements). For the purposes of this Section, the “Building Line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.

(a) Mandatory Ground Floor Level Use along Designated Streets

Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-121 through 131-123 not otherwise allowed by the underlying district regulations shall be permitted within 70 feet of the Riegelmann Boardwalk, and within 100 feet of all other designated streets, as shown on Map 2.

(1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of the Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of frontage along the Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

(2) Designated Streets other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C.

The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. All such #uses# shall be located in establishments with not more than 60 feet of designated #street# frontage, except that for any such establishment on a corner of two designated #streets#, one frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#, and the minimum 50 foot depth requirement for #commercial uses# may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

(b) Prohibited Ground Floor Level Uses along Designated Streets other than Riegelmann Boardwalk

No #use# listed in this paragraph (b) shall be permitted within 50 feet of a designated street on the ground floor level of a #building#. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:  
All #uses#.

From Use Groups 3A and 3B:  
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:  
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:  
All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16<sup>th</sup> Street.

From Use Groups 6B, and 6E  
offices, veterinary medicine offices or non-commercial clubs

From Use Group 6C  
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40% of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue;  
electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:  
All #uses#.

From Use Group 7:  
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:  
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:  
All #uses#.

From Use Groups 9A, 9B and 9C:  
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:  
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:  
All #uses#.

Use Groups 12A and 12B:  
Trade expositions.

Use Groups 12C and 12D:  
All #uses#.

Use Group 14A and 14B:  
All #uses#, except for bicycle sales, rental or repair shops.

### **131-14**

#### **Location of uses within buildings**

The provisions of Section 32-42 (Location Within Buildings) are modified to permit:

- (a) #Residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use# provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and
- (b) In the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#.

### **131-15**

#### **Transparency**

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A as set forth in Section 131-121 shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along the Riegelmann Boardwalk and boundary of Keyspan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section 131-15, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

**131-16  
Security Gates**

All security gates installed after (effective date of amendment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

**131-17  
Authorization for #use# modifications**

Along designated streets other than the Riegelmann Boardwalk, as shown on Map 2, the City Planning Commission may authorize Use Group A, B or C establishments with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

**131-20  
SIGN REGULATIONS**

- (a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:
  - (1) no #advertising signs# shall be permitted above a height of 40 feet; and

- (2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and Section 32-67 (Special Provisions Applying along District Boundaries) shall not apply.
- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by #commercial use#.

**131-30**  
**FLOOR AREA REGULATIONS**

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section 131-30, inclusive.

**131-31**  
**Coney East Subdistrict**

The maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratio). On Parcel 1 as shown on Map 3, the maximum #floor area ratio# for a Use Group A amusement #use# shall be 2.0, and the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

**131-32**  
**Coney West, Coney North and Mermaid Avenue Subdistricts**

**131-321**  
**Special residential floor area regulations**  
**R7A R7D R7X**

- (a) Applicability of Inclusionary Housing Program
- R7A, R7D, and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified within the Special District.
- (b) Maximum #floor area ratio#
- The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the following Table 1. Such base #floor area ratio# may be

increased to the maximum #floor area ratio# set forth in Table 1 through the provision of #lower income housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

TABLE 1  
FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict – Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels A, B, C and D – R7D	4.35	5.8
Coney West Parcels E and F – R7D	4.12	5.5
Coney North – R7X	3.75	5.0
Mermaid Avenue – R7A	3.45	4.6

(c) Coney West floor area distribution rules

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within parcels A and B as shown on Map 1 may be distributed anywhere within such parcels; #floor area# attributable to #zoning lots# within Parcels C and D as shown on Map 1 may be distributed anywhere within such parcels, and #floor area# attributable to #zoning lots# within Parcels E and F as shown on Map 1 may be distributed anywhere within such parcels.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

**131-322**

**Special community facility floor area regulations**

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

**131-323**

**Special hotel floor area ratio regulations**

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16<sup>th</sup> Street, the maximum permitted #floor area ratio# shall be 3.75.

### **131-324**

#### **Lot coverage**

For #residential use#, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

### **131-40**

#### **HEIGHT AND SETBACK REGULATIONS**

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

### **131-41**

#### **Rooftop Regulations**

(a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

**131-42  
Coney East Subdistrict**

The regulations of this Section 131-42, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section 131-42, inclusive.

**131-421  
Coney East, south side of Surf Avenue**

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) Street wall location

The #street wall# of the #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except as follows:

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10<sup>th</sup> Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10<sup>th</sup> Street to a point on the West 10<sup>th</sup> Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;
- (2) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (4) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower above, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

## (b) Building base

West of Jones Walk, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and a maximum base height of 85 feet.

East of Jones Walk, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and a maximum height of 60, except that a maximum building height of 85 shall be permitted within 100 feet of Jones Walk provided any portion of the #building# that exceeds a height of 60 feet is set back from the Surf Avenue #street wall# of the #building# at least 10 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

All portions of a #building# that exceed the maximum base heights set forth in this paragraph (b) shall be set back from the #street line# at least ten feet, except that a set back with a minimum depth of 20 feet shall be required from the West 10<sup>th</sup> Street #street line#. All portions of #buildings# that exceed a height of 85 feet shall comply with the tower provisions of paragraph (c) of this Section.

## (c) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet shall be considered a "tower" and shall comply with the provisions of this paragraph.

## (1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

## (2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# shall be 150 feet between West 12<sup>th</sup> Street and Jones Walk, and, between West 12<sup>th</sup> Street and West 16<sup>th</sup> Street the maximum height of a #building# on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet, and the maximum height of a #building# on #zoning lots# with 10,000 square feet or more of #lot area# shall be 270 feet. All towers that exceed a

height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

**131-422**

**Coney East, north side of Surf Avenue**

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

**131-423**

**Along all other streets**

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets# and portions thereof located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) Street wall location

The #street wall# of the #development# or #enlargement# or portion thereof shall be located within five feet of the #street line#.

(b) Maximum building height

The #street wall# of a #development# or #enlargement# or portion thereof shall rise to a minimum height of 20 feet and a maximum height of 40 feet. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet. However, a #building# that exceeds a height of 60 feet shall be permitted where the Chairperson of the City Planning Department certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A.

**131-43**

### **Coney West Subdistrict**

The regulations of this Section 131-43 shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights) illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section 131-43, inclusive. For the purposes of this Section, the “Building Line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

### **131-431**

#### **Coney West, Surf Avenue**

The regulations of this Section 131-431 shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

#### (a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except as follows:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without set back from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such set back area is not greater than 40 percent of the width of the #street wall# of the tower and provided such set back area complies with the provisions of Section 131-47 (Design Requirements for ground Level Setbacks).

#### (b) Building base regulations

The #street wall# of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing

Surf Avenue shall exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to at least a height of eight #stories# or 80 feet, whichever is less. However, on the blockfront bounded by West 21<sup>st</sup> Street and West 22<sup>nd</sup> Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum heights set forth in this paragraph (b) shall be set back from the #street line# at least ten feet.

(c) Transition height

A #street wall# may rise to a maximum transition height of 105 feet, provided that not more than 60 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 85 feet. All portions of #buildings# that exceed a transition height of 105 feet shall comply with the tower provisions of Section 131-434.

**131-432**

**Along all other Streets, other than the Riegelmann Boardwalk**

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of the Riegelmann Boardwalk.

(a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# or portion thereof beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such set back area is not greater than 40 percent of the width of the #street wall# of the tower above. Any area between the #street wall# of a #building# and the #street line# shall be planted, except for entrances to #buildings#, where the ground floor level is occupied by #residential use#.

(b) Building base regulations

The #street wall# of a building base of a #development# or #enlargement# or portion thereof located beyond 100 feet of Surf Avenue shall rise without

setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such set back distance may include the depth of any permitted recesses.

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of 9 #stories# or 95 feet, whichever is less, provided that:

- (1) not more than 60 percent of the #aggregate width of street walls# facing Ocean Way shall exceed a height of 65 feet;
- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6.
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

A #building# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

**131-433**

**Riegelmann Boardwalk**

The #street wall# of the #development# or #enlargement# shall be located on the Riegelman Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet. Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

**131-434**

**Coney West Towers**

All #stories# of a #development# or #enlargement# located partially or wholly above an applicable transition height shall be considered a ‘tower’ and shall comply with the provisions of this Section.

## (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

## (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum #building# height shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet. For #developments# that provide #lower income housing# pursuant to Section 131-321, and where no side of such rectangle exceeds a length of 100 feet, the maximum building height shall be increased to 270 feet. All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

## (c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20<sup>th</sup> Street, West 21<sup>st</sup> Street or West 22<sup>nd</sup> Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# bounding Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, no more than two towers shall be permitted on any #zoning lot#, and such second tower shall be located within 25 feet of Ocean Way. However, on Parcel E, any #development# may include two towers, and, for #developments# that provide #low income housing# pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

**131-44****Coney North Subdistrict**

The regulations of this Section 131-44 shall apply to all #buildings or other structures# in the Coney North Subdistrict. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum building height provisions of this Section 131-44, inclusive

**131-441****Coney North, Surf Avenue**

The regulations of this Section 131-441 shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations

of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except as follows:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without set back from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such set back area is not greater than 40 percent of the width of the #street wall# of the tower and provided such set back area complies with the provisions of Section 131-435.

(b) Building base regulations

The #street wall# of a building base of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to at least a height of 80 feet, but not more than 85 feet. However, on the blockfront bounded by Stillwell Avenue and West 15<sup>th</sup> Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed a height of 85 feet shall be set back from the #street line# at least ten feet, and comply with the tower provisions of Section 131-435.

### **131-442**

#### **Along all other Streets, other than Stillwell Avenue**

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# or portion thereof beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower above. Any area between the #street wall# of a #building# and the #street line# shall be planted, except for entrances to #buildings#, where the ground floor level is occupied by #residential use#.

(b) Building base regulations

The #street wall# of a building base of a #development# or #enlargement# or portion thereof located beyond 100 feet of Surf Avenue shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such set back distance may include the depth of any permitted recesses.

However, on #blocks# bounded by West 15<sup>th</sup> Street and West 20<sup>th</sup> Street, within 40 feet of the boundary of a C2-4 District mapped within an R7A District, no #building or other structure# shall exceed a height of 23 feet, except that, for such #zoning lots# with less than 50 feet of frontage along a #street#, or, for #through lots#, less than 50 feet of frontage along each #street#, the maximum height of a #building or other structure# before setback shall be six stories or 65 feet, whichever is less.

**131-443**  
**Stillwell and Mermaid Avenues**

Within 100 feet of Stillwell and Mermaid Avenues, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

**131-444**  
**Coney North Towers**

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a ‘tower’ and shall comply with the provisions of this Section 131-444.

- (a) Maximum floorplate  
 Each #story# of a tower shall not exceed a gross area of 8,500 square feet.
- (b) Maximum length and height  
 On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and beyond 175 feet of Surf Avenue, the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet. For #developments# that provide #lower income housing# pursuant to Section 131-321, and where no side of such rectangle exceeds a length of 100 feet, the maximum building height shall be increased to 270 feet. All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

## (c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, a second tower shall be permitted anywhere on the #zoning lot# that is entirely beyond 175 feet of Surf Avenue and ten feet from any other #street#. All towers shall be located at least ten feet from a #side lot line#.

**131-45****Mermaid Avenue Subdistrict**

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

**131-46****Tower Top Articulation**

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

- (a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least

four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks facing ocean

The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the south facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story# shall be located entirely within the northern half of the tower.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

**131-47**

**Design Requirements for Ground Level Setbacks**

Wherever a building base below a tower is set back from the #street line#, and the building walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section 131-47. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk

## (c) Wall treatments

All ground floor level building walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-14 shall comply with the following provisions:

- (1) If such building wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-14 (Transparency).
- (2) All other building walls shall comply with one of the following provisions:
  - (i) Such building walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level building wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, or
  - (ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet

## (d) Building entrances

A public entrance to a #building# shall front upon such setback area

## (e) Landscaping

A minimum of 20 percent of such setback area shall be planted with at least evergreen ground cover or shrubs in planting beds with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

## (f) For setback areas of 500 square feet or more, the following additional amenities shall be provided:

- (1) An additional public entrance to the #building# shall front upon such setback area, and
- (2) A minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

### **Street Trees**

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

### **131-50**

#### **OFF-STREET PARKING AND LOADING REGULATIONS**

The provisions of this Section shall apply to all off-street parking spaces and loading facilities within the Special Coney Island District.

### **131-51**

#### **Amount of Required and Permitted Parking**

(a) Residential and Community Facility Parking

The underlying regulations shall apply except that the provisions of Section 36-331 are modified to require off-street parking spaces for at least 60 percent of all new dwelling units.

(b) Commercial Parking

The underlying regulations shall apply except as modified below:

- (1) For Use Group A use: one off-street parking space shall be provided for every 2,000 square feet of floor area or lot area for open uses, except that for water park, two off-street parking spaces per 1,000 square feet of floor area shall be provided.
- (2) For transient hotels: one off-street parking space shall be provided for every six guest rooms or suites.

### **131-52**

#### **Use and Location of Parking Facilities**

The following provisions shall apply to all parking facilities:

- (a) All accessory off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a residence to which it is accessory within 30 days after written request therefore is made to the landlord.
- (b) The off-site spaces provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-street parking spaces may be provided on a

#zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:

- (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27<sup>th</sup> Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
  - (2) In the Coney West Subdistrict, such spaces #accessory# to Parcel A or B are located anywhere on such parcels ; such spaces #accessory# to Parcel C or D are located anywhere on such parcels; and such spaces #accessory# to Parcels E or F are located anywhere on such parcels.
  - (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces are located anywhere on the same #block#.
- (c) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:
- (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
  - (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

However, in the Coney East Subdistrict, the provisions of this paragraph (2) need not apply on the north side of Surf Avenue, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16<sup>th</sup> Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

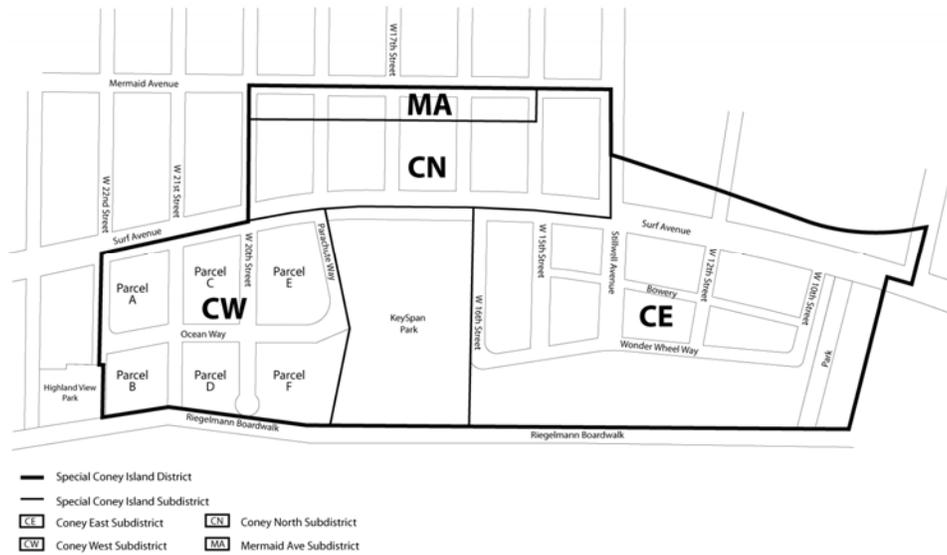
- (i) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;
- (ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (iii) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.

- (d) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

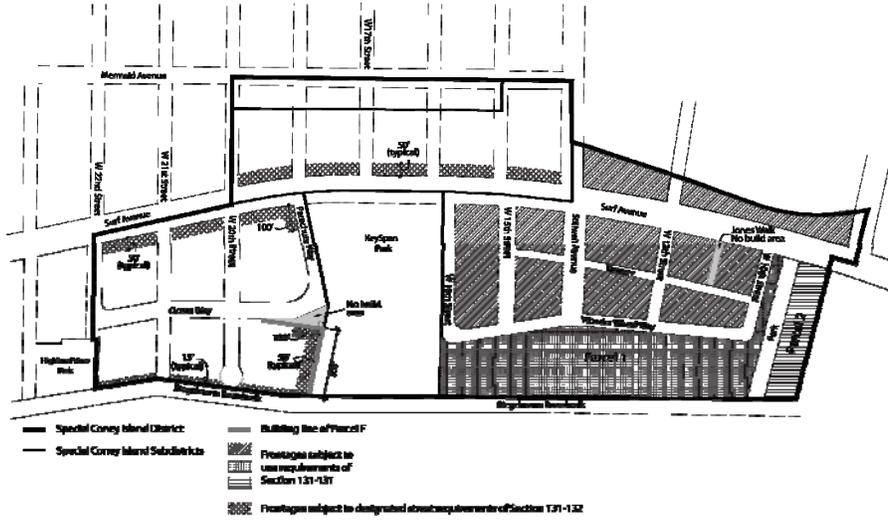
**131-53  
Curb Cuts**

No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.

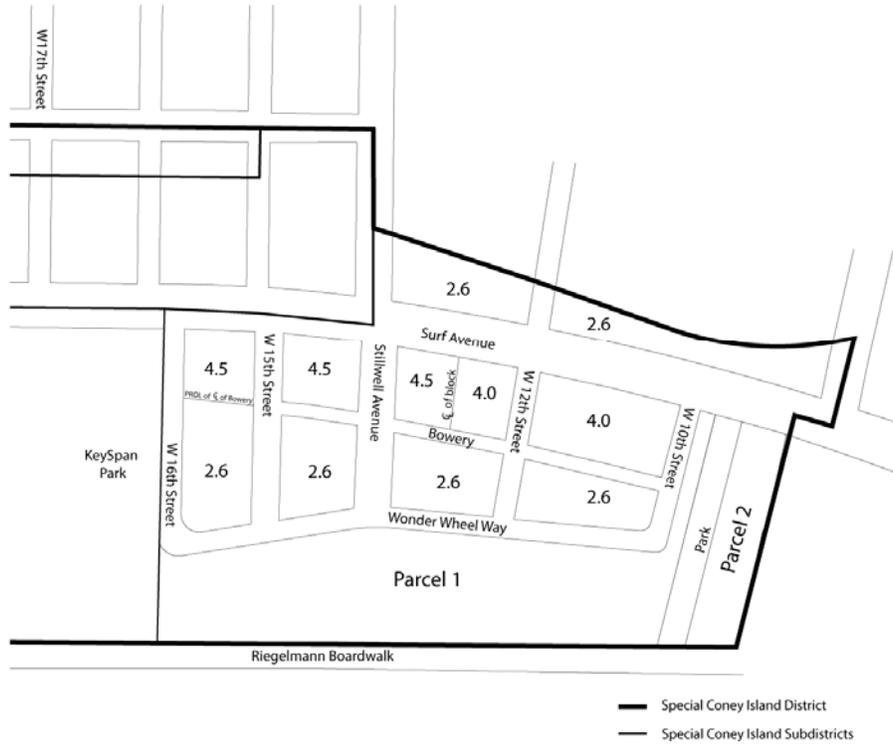
Map 1: Special Coney Island District and Subdistricts



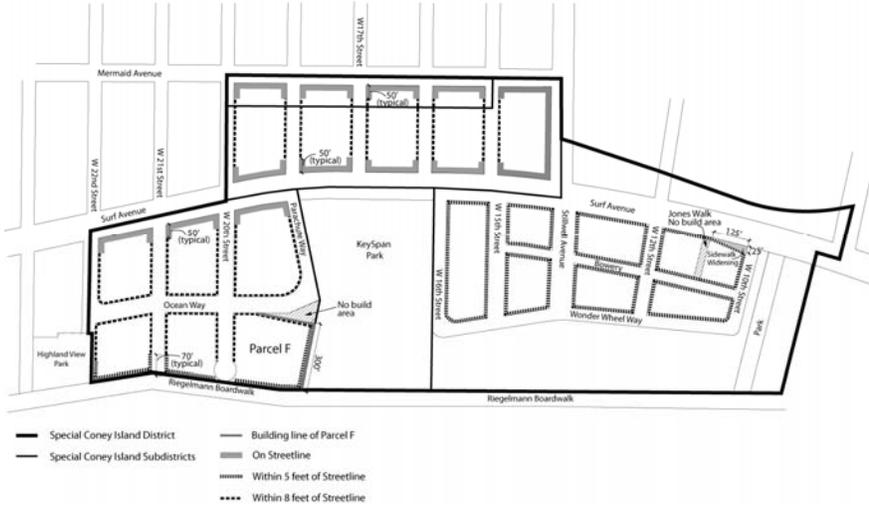
Map 2: Mandatory Ground Floor Use Requirements



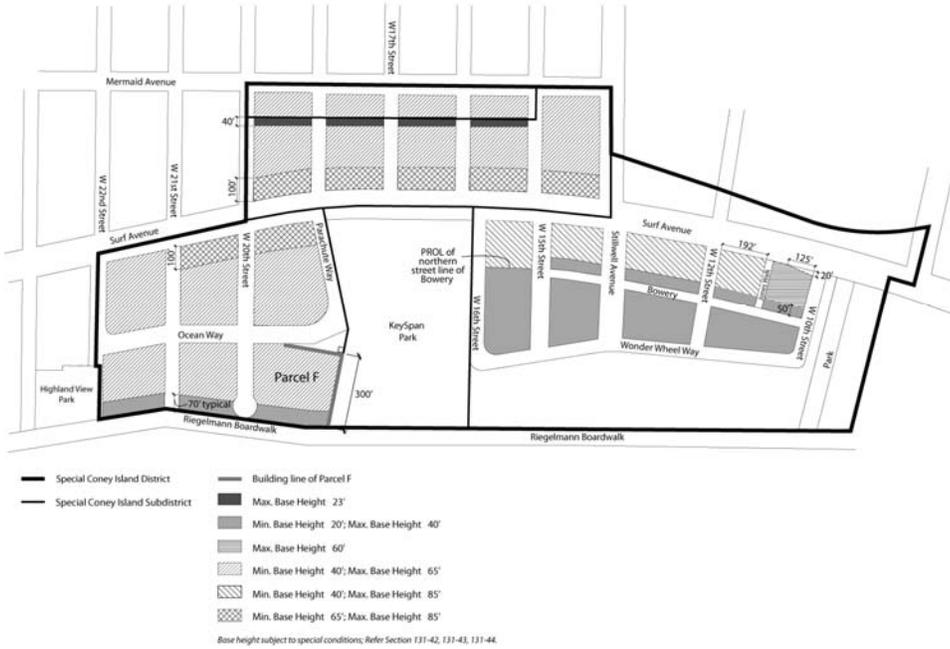
Map 3: Coney East Subdistrict Floor Area Ratios



Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights



Map 6: Coney West Subdistrict Transition Heights



(On April 22, 2009, Cal. No. 5, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

\_\_\_\_\_

**No. 21**

**CD 13**

**N 090273(A) 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, and proposed for modification pursuant to Section 2-06(c) (1) on the Uniform Land Use Review Procedure for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1) , in Community District 13, Borough of Brooklyn.

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 where unchanged text appears in the Zoning Resolution

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 where unchanged text appears in the Zoning Resolution

**11-12  
Establishment of Districts**

\* \* \*  
Establishment of the Special Clinton District  
\* \* \*

**Establishment of the Special Coney Island District**

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

**Establishment of the Special Coney Island Mixed Use District**

\* \* \*

**12-10  
Definitions**

\* \* \*

Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters “CI” in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

**14-44  
Special Zoning Districts Where Certain Sidewalk Cafes are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

\* \* \*

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Brooklyn		
Bay Ridge District	Yes	Yes
<u>Coney Island District</u>	<u>No</u>	<u>Yes</u>
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District*	Yes	Yes
Sheepshead Bay District	No	Yes

-----  
\* #Sidewalk cafes# are not allowed on Ocean Parkway

\* \* \*

**Chapter 5  
Residential Conversion of Existing Non-Residential Buildings**

\* \* \*

**15-011  
Applicability within Special Districts**

\* \* \*

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

\* \* \*

**ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW**

**131-00  
GENERAL PURPOSES**

The #Special Coney Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city’s foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
- (g) promote development in accordance with the area’s District Plan and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

**131-01  
General Provisions**

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Coney Island District#.

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

### **131-02**

#### **District Plan and Maps**

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix of this Chapter.

Map 1	Special Coney Island District and Subdistricts
Map 2	Mandatory Ground Floor Use Requirements
Map 3	Coney East Subdistrict Floor Area Ratios
Map 4	Street Wall Location
Map 5	Minimum and Maximum Base Heights
Map 6	Coney West Subdistrict Transition Heights

### **131-03**

#### **Subdistricts**

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

Coney East Subdistrict  
 Coney West Subdistrict  
 Coney North Subdistrict  
 Mermaid Avenue Subdistrict.

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix of this Chapter.

### **131-04**

#### **Applicability**

#### **131-041**

##### **Applicability of Article I, Chapter 1**

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

**131-042****Applicability of Article 1, Chapter 5**

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

**131-043****Applicability of Article 7, Chapter 4**

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted; #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

**131-044****Physical Culture Establishments**

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, physical culture establishments shall be allowed as-of-right.

**131-045****Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park**

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of the Riegelmann Boardwalk, Keyspan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

**131-10  
SPECIAL USE REGULATIONS**

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying Commercial Districts, as applicable.

For the purposes of this Chapter, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

**131-11  
Use Group 5**

For the purposes of this Chapter, the definition of #transient hotels# shall be modified as set forth in this Section, and such #transient hotels# shall be permitted only in specified locations

A #transient hotel# is a #building# or part of a #building# in which:

- (a) all units containing living or sleeping accommodations are used exclusively for “transient occupancy,” where such occupancy:
  - (1) does not exceed any period of 29 consecutive days or a total of 60 days in a calendar year; or
  - (2) is the result of a referral by a government agency to provide temporary accommodations.
- (b) each such unit is available each day for rent, unless rented, except for periods of maintenance and repair;
- (c) all such units are fully furnished by the hotel operator;
- (d) one or more common entrances serve all such units;
- (e) there is a uniform key entry system, administered by management or hotel staff, to receive and disburse keys for each room; and
- (f) twenty-four hour desk service, housekeeping services and the furnishing and laundering of linens are provided.

A central rubbish chute shall be accessible only to hotel staff. Restaurants, cocktail lounges, public banquet halls, ballrooms and meeting rooms shall be considered #accessory uses# provided such #uses# are accessible to all occupants of the #transient hotel# and their guests from a common area of the #transient hotel#.

**13-12**

**Use Groups A, B and C**

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

**131-121**

**Use Group A: Amusements**

Use Group A consists of a group of #uses# selected from Use Groups 12, 13 and 15 as modified in this Section, and may be open or enclosed:

- (1) Amusement arcades
  - Amusement parks, with no limitation on floor area per establishment
  - Animal exhibits, circuses, carnivals or fairs of a temporary nature
  - Camps, overnight or day, commercial beaches or swimming pools
  - Dark rides, electronic or computer-supported games including interactive entertainment facilities, laser tag and motion simulators
  - Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions
  - Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions
  - Miniature golf courses and model car hobby centers, including racing
  - Open booths with games of skill or chance, including shooting galleries
  - Water parks
  
- (2) Arenas or auditoriums, with capacity limited to 2,000 seats
  - Billiard parlors or pool halls, bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment
  - Gymnasiums or recreational sports facilities including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements
  - Skateboard parks, roller or ice skating rinks

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet except that on #corner lots# one #street# frontage may extend up to 100 feet

#Accessory uses# to the amusements listed above, including the display and sale of goods or services, provided:

- (h) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;
- (i) such #accessory uses# shall be entered only through the principal amusement establishment;
- (j) such #accessory uses# shall share common cash registers with the principal amusement #use#;
- (k) such #accessory uses# shall have the same hours of operation as the principal amusement #use#; and
- (l) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from the #street line#.

### **131-122**

#### **Use Group B: Amusement and entertainment- enhancing uses**

Use Group B consists of a group of #uses# selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial

Banquet halls

Breweries

Eating or drinking establishments of any size, including those with entertainment or dancing

Historical exhibits

Spas and bathhouses

Studios, art, music, dancing or theatrical

Tattoo parlors

Radio or television studios

Wedding chapels

**131-123**

**Use Group C: Retail and service uses**

Use Group C consists of a group of retail and service #uses# selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops

Bookstores

Candy or ice cream stores

Clothing or clothing accessory

Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing

Delicatessen stores

Fishing tackle or equipment, rental or sales

Gift shops

Jewelry manufacturing from precious metals

Musical instruments store

Toy stores

Music stores

Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

**131-13**  
**Special Use Regulations in Subdistricts**

**131-131**  
**Coney East Subdistrict**

The #use# regulations of the underlying C7 District are modified as set forth in this Section. #Transient hotels# land Use Groups A, B and C, as set forth in Sections 131-11 through 131-12-, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

The Surf Avenue frontage of any ground floor level establishment shall not exceed a #street wall# width of 60 feet. However, an establishment may exceed a #street wall# width of 60 feet where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such additional width is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) #Transient hotels#

(1) #Transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15<sup>th</sup> Street and West 16<sup>th</sup> Street south of the prolongation of the centerline of Bowery;.

(2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.

- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
  - (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
  - (6) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.
- (e) Parcel 1
- On Parcel 1 as shown on Map 2, only #uses# listed in Use Group A shall be permitted.
- (f) Parcel 2
- On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

**131-132  
Coney North and Coney West Subdistricts**

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply except as modified in this Section for #uses# fronting upon designated #streets#, as shown on Map 2 (Mandatory Ground Floor Use Requirements). For the purposes of this Section, the “building line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.

- (c) Mandatory ground floor level use along designated #streets#
- Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of the Riegelmann Boardwalk and within 100 feet of all other designated streets, as shown on Map 2.
- (1) Riegelmann Boardwalk
- Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of the Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of frontage along the Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other

establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

(2) Designated #streets# other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. All such #uses# shall be located in establishments with not more than 60 feet of designated #street# frontage, except that for any such establishment on a corner of two designated #streets#, one frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#, and the minimum 50 foot depth requirement for #commercial uses# may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

(b) Prohibited ground floor level #uses# along designated #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a designated #street# on the ground floor level of a #building#. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:  
All #uses#.

From Use Groups 3A and 3B:  
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:  
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:  
All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16<sup>th</sup> Street.

From Use Groups 6B, and 6E  
Offices, veterinary medicine offices or non-commercial clubs.

From Use Group 6C

Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue.

Electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:  
All #uses#.

From Use Group 7:  
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:  
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:  
All #uses#.

From Use Groups 9A, 9B and 9C:  
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:  
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:  
All #uses#.

Use Groups 12A and 12B:  
Trade expositions.

Use Groups 12C and 12D:  
All #uses#.

Use Group 14A and 14B:  
All #uses#, except for bicycle sales, rental or repair shops.

### **131-14**

#### **Location of Uses within Buildings**

The provisions of Section 32-42 (Location within Buildings) are modified to permit:

- (a) #residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use#, provided no access exists between such #uses# at

any level containing #residences#, and separate elevators and entrances from the #street# are provided; and

- (b) in the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#.

**131-15  
Transparency**

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along the Riegelmann Boardwalk and boundary of Keyspan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

**131-16  
Security Gates**

All security gates installed after (effective date of amendment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

**131-17  
Authorization for Use Modifications**

Along designated #streets# other than the Riegelmann Boardwalk, as shown on Map 2, the City Planning Commission may authorize Use Group A, B or C establishments with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

**131-20  
SIGN REGULATIONS**

- (a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:
- (3) no #advertising signs# shall be permitted above a height of 40 feet; and
  - (4) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying along District Boundaries) shall not apply.
- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial use#.

**131-30  
FLOOR AREA REGULATIONS**

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

**131-31  
Coney East Subdistrict**

The maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios). On Parcel 1, as shown on Map 3, the maximum #floor area ratio# for a Use Group A amusement #use# shall be 2.0 and the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

**131-32  
Coney West, Coney North and Mermaid Avenue Subdistricts**

**131-321  
Special floor area regulations for residential uses**

**R7A R7D R7X**

- (b) Applicability of Inclusionary Housing Program

R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the following table. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #lower income housing#, pursuant to the provisions for #Inclusionary Housing designated area#, as set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

<b>Subdistrict Zoning District</b>	<b>Base #floor area ratio#</b>	<b>Maximum #floor area ratio#</b>
Coney West Parcels: A, B, C, D R7D	4.35	5.8
Coney West Parcels: E, FR7D	4.12	5.5
Coney North R7X	3.75	5.0
Mermaid Avenue R7A	3.45	4.6

TABLE FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

(c) Coney West floor area distribution rules

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

- Parcels A and B
- Parcels C and D
- Parcels E and F.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

### **131-322**

#### **Special floor area regulations for community facility uses**

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

### **131-323**

#### **Special floor area ratio regulations for hotel uses**

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16<sup>th</sup> Street, the maximum permitted #floor area ratio# shall be 3.75.

### **131-324**

#### **Lot coverage**

For #residential uses#, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

### **131-40**

#### **HEIGHT AND SETBACK REGULATIONS**

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

### **131-41**

#### **Rooftop Regulations**

(a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet,

shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

**131-42**

**Coney East Subdistrict**

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section 131-42, inclusive.

**131-421**

**Coney East Subdistrict, south side of Surf Avenue**

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of a #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10<sup>th</sup> Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10<sup>th</sup> Street to a point on the West 10<sup>th</sup> Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall

be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;

- (2) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (4) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

- (1) Surf Avenue , west of West 12<sup>th</sup> Street

West of West 12<sup>th</sup> Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section.

For #developments# or #enlargements# located West of West 12 Street that, provide a tower in accordance with the requirements of paragraph (d) of this Section, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet. Furthermore, any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with location requirements of paragraphs (d) of this Section.

- (2) Surf Avenue, east of West 12<sup>th</sup> Street

East of West 12<sup>th</sup> Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and

no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

(c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section, shall be set back from the #street line# at least 20 feet except that where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

(1) East of West 12<sup>th</sup> Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum building height after the required setbacks shall be 85 feet.

(2) West of West 12<sup>th</sup> Street

All portions of a #building# that exceed the maximum base height as set forth in paragraph (b) (1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

(3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c) (1) and (c) (2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use#; or to #buildings# where the Chairperson of the City Planning Department certifies to the Department of Buildings that additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 65 feet shall be considered a "tower" and shall comply with the provisions of this paragraph.

(4) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(5) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# located between West 12<sup>th</sup> Street and Jones Walk shall be 150 feet between West 12<sup>th</sup> Street and Jones Walk. The maximum height of a #building# located between West 12<sup>th</sup> Street and West 16<sup>th</sup> Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(6) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

**131-422**

**Coney East Subdistrict, north side of Surf Avenue**

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

**131-423**

**Along all other streets**

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets# and portions thereof located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of the #development# or #enlargement#, or portion thereof, shall be located within five feet of the #street line#.

## (b) Maximum building height

The #street wall# of a #development# or #enlargement#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12<sup>th</sup> Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, and such portion of the #aggregate width of street walls# shall be located within 150 feet of the intersection of two #street lines# and shall coincide with that portion of the #street wall# along Surf Avenue that rises to a height of between 60 to 65 feet, pursuant to the provisions of paragraph (b)(1) of Section 131-421. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A, in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall# may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of #street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

Furthermore, a #building# that exceeds a height of 60 feet shall be permitted where the Chairperson of the City Planning Department certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

**131-43**  
**Coney West Subdistrict**

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the “building line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

**131-431**  
**Coney West District, Surf Avenue**

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

The #street wall# of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least eight #stories# or 80 feet, whichever is less. However, on the blockfront bounded by West 21<sup>st</sup> Street and West 22<sup>nd</sup> Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least ten feet.

## (c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Towers).

**131-432****Along all other Streets, other than the Riegelmann Boardwalk**

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of the Riegelmann Boardwalk.

## (a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower. For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line#, except for entrances, shall be planted.

## (b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

## (c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

- (1) above the maximum base height, up to 60 percent of the #aggregate width of street walls# facing Ocean Way, and along all other #streets#, other than the Riegelmann Boardwalk, shall be set back a minimum distance of 10 feet from the #street line#. The remaining portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than the Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), the remaining portion of such #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;
- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

A #building# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

### **131-433**

#### **Riegelmann Boardwalk**

The #street wall# of the #development# or #enlargement# shall be located on the Riegelman Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet. Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

### **131-434**

#### **Coney West District towers**

All #stories# of a #development# or #enlargement# located partially or wholly above an applicable transition height shall be considered a ‘tower’ and shall comply with the provisions of this Section.

- (b) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(d) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum #building# height shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower complies with either paragraph (b) (1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) The outermost wall of all tower #stories# below a height of 120 feet shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20<sup>th</sup> Street, West 21<sup>st</sup> Street or West 22<sup>nd</sup> Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# bounding Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, no more than two towers shall be permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, on Parcel E, any #development# may include two towers and, for #developments# that

provide #low income housing# pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

**131-44**  
**Coney North Subdistrict**

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum building height provisions of this Section, inclusive.

**131-441**  
**Coney North Subdistrict, Surf Avenue**

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

The #street wall# of a building base of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a

maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 80 feet, but not more than 85 feet. However, on the blockfront bounded by Stillwell Avenue and West 15<sup>th</sup> Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided, as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed a height of 85 feet shall be set back from the #street line# at least ten feet, and comply with the tower provisions of Section 131-444 (Coney North Towers).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Towers).

**131-442**

**Along all other Streets, other than Stillwell Avenue**

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not

greater than 40 percent of the width of the #street wall# of the tower. For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line#, except for entrances, shall be planted.

(b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

However, on #blocks# bounded by West 15<sup>th</sup> Street and West 20<sup>th</sup> Street, within 40 feet of the boundary of a C2-4 District mapped within a R7A District, no #building or other structure# shall exceed a height of 23 feet, except that, for #zoning lots# with less than 50 feet of frontage along a #street# or, for #through lots# with less than 50 feet of frontage along each #street#, the maximum height of a #building or other structure# before setback shall be six stories or 65 feet, whichever is less.

(c) Transition height

In all portions of #blocks# located beyond 100 feet but not further than 170 feet from Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

**131-443  
Stillwell and Mermaid Avenues**

Within 100 feet of Stillwell and Mermaid Avenues, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street

wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

#### **131-444**

##### **Coney North Subdistrict towers**

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a ‘tower’ and shall comply with the provisions of this Section 131-444.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower portion of such #building# complies with either paragraph (b)(1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or

- (2) The outermost wall of all tower #stories#, below a height of 120 feet, shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing#, pursuant to Section 131-321, a second tower shall be permitted anywhere on the #zoning lot# that is entirely beyond 175 feet of Surf Avenue and ten feet from any other #street#. All towers shall be located at least ten feet from a #side lot line#.

**131-45**

**Mermaid Avenue Subdistrict**

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within a R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street

lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

### 131-46

#### Tower Top Articulation

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

(a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. Such setbacks shall be located on either the north- facing or south-facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

**131-47****Design Requirements for Ground Level Setbacks**

Wherever a building base below a tower is set back from the #street line#, and the building walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

## (d) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

## (e) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

## (f) Wall treatments

All ground floor level building walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15 shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

(1) If such building wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

(2) All other building walls shall comply with one of the following provisions:

(i) Such building walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level building wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or

(ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet.

## (d) Building entrances

A public entrance to a #building# shall front upon such setback area.

## (e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

- (f) For setback areas of 500 square feet or more, there shall be the following additional amenities:
- (1) an additional public entrance to the #building# that fronts upon such setback area; and
  - (2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

**131-48  
Street Trees**

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

**131-50  
OFF-STREET PARKING AND LOADING REGULATIONS**

The provisions of this Section shall apply to all off-#street# parking spaces and loading facilities within the #Special Coney Island District#.

**131-51  
Amount of Required and Permitted Parking**

- (d) Residential and Community Facility Parking

The underlying regulations shall apply, except that the provisions of Section 36-331 are modified to require off-#street# parking spaces for at least 60 percent of all new #dwelling units#.

- (e) Commercial parking

The underlying regulations shall apply, except as modified below:

- (1) For Use Group A #uses#:
  - one off-#street# parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-#street# parking spaces per 1,000 square feet of #floor area# shall be provided
- (2) For #transient hotels#:
  - one off-#street# parking space shall be provided for every six guest rooms or suites.

**131-52**  
**Use and Location of Parking Facilities**

The following provisions shall apply to all parking facilities:

- (b) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a residence to which it is accessory within 30 days after written request therefore is made to the landlord.
- (b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:
  - (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27<sup>th</sup> Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
  - (2)
    - In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:
      - Parcels A and B
      - Parcels C and D
      - Parcels E and F.
  - (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.
- (f) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:

- (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
- (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

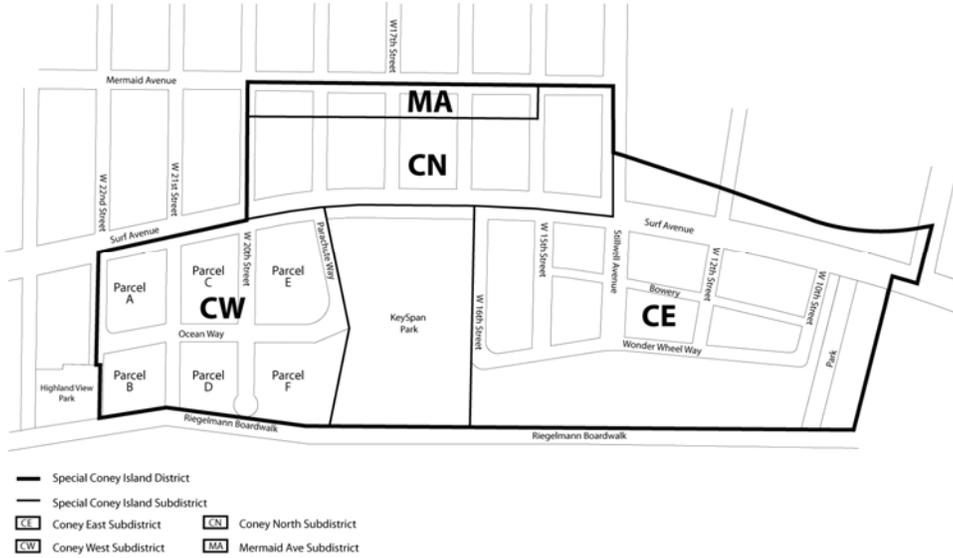
However, in the Coney East Subdistrict, the provisions of this paragraph (c)(2) need not apply on the north side of Surf Avenue, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16<sup>th</sup> Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

- (i) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
  - (ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
  - (iii) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.
- (d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

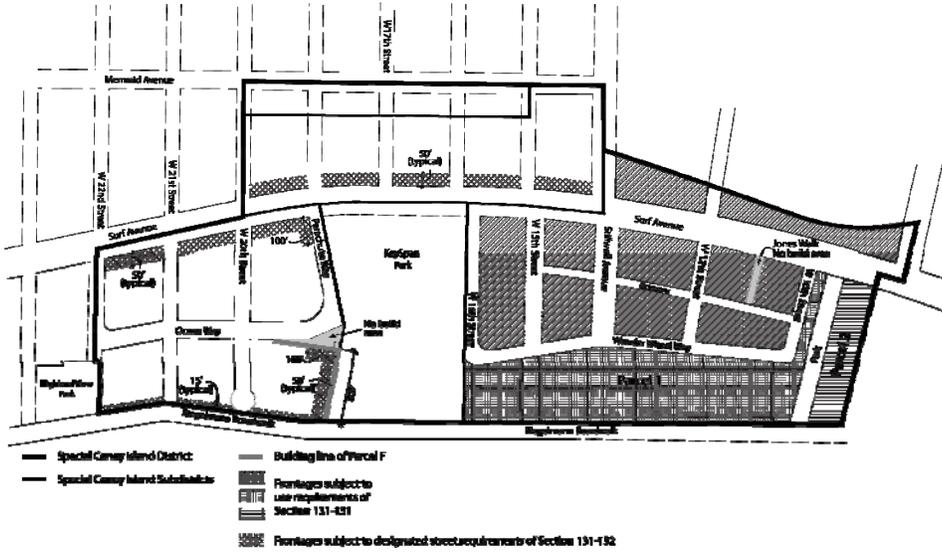
### **131-53 Curb Cuts**

No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.

Map 1: Special Coney Island District and Subdistricts

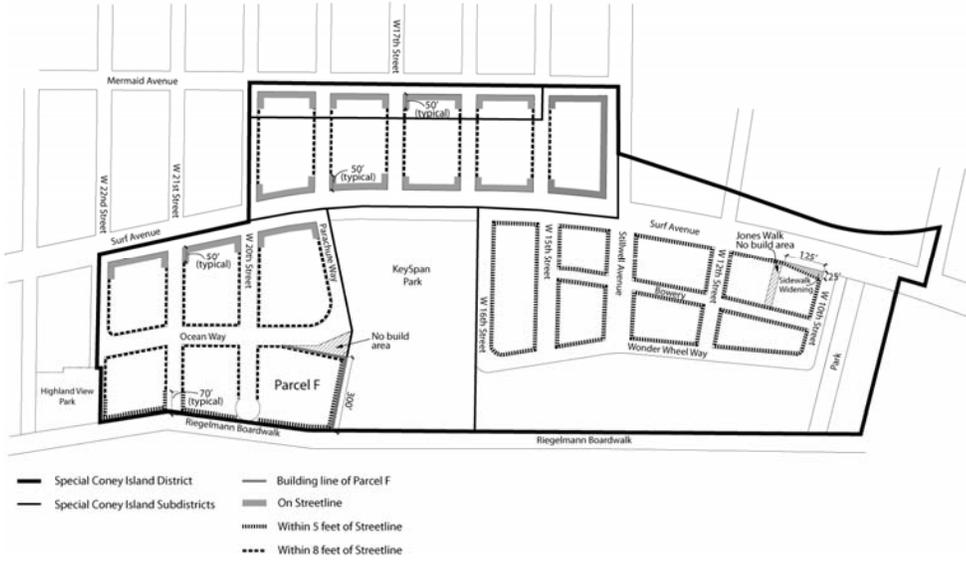


Map 2: Mandatory Ground Floor Use Requirements

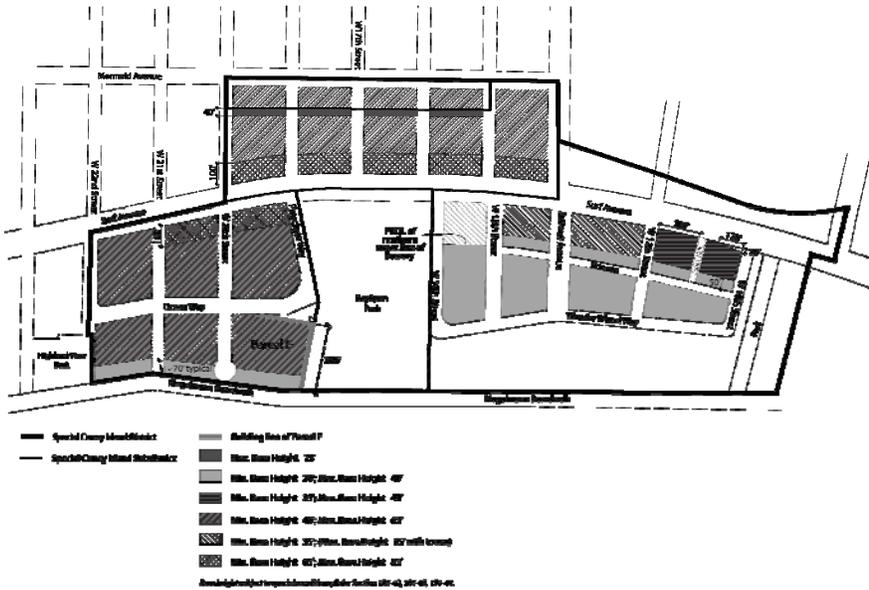




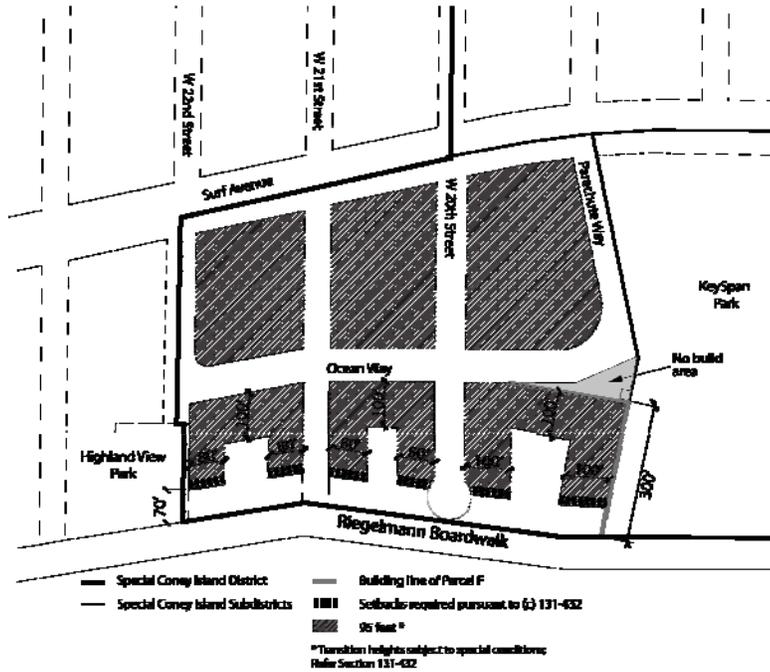
Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights



**Map 6: Coney West Subdistrict Transition Heights**



(On April 22, 2009, Cal. No. 6, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

No. 22

CD 13

C 090274 PQQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at:

<b>BLOCK</b>	<b>LOTS</b>
7074	4, 6, p/o 23, 89, p/o 105, 250, 254, p/o 256, 300, p/o 310, 340, 348, and p/o 360
8694	1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421
8695	61, 64, p/o 72, p/o 120, p/o 433
8696	35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212

(On April 22, 2009, Cal. No. 7, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 23**

**CD 13**

**C 090275 PQQ**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31).

(On April 22, 2009, Cal. No. 8, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 24**

**CD 13**

**C 090107 MMK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning, Department of Parks and Recreation, and the New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.*, of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of new streets;
- the establishment of new parks and park additions;
- the modification and adjustment of grades of existing streets;
- the elimination, discontinuance and closing of portions of streets;
- the elimination of portions of parks;
- the delineation of easements and corridors;
- the extinguishment of record streets, all within an area generally bounded by West 8<sup>th</sup> Street, Surf Avenue, West 23<sup>rd</sup> Street, and the Public Beach;
- and any acquisition or disposition of real property related thereto,

in accordance with Map Nos. X-2710 and X-2711, dated January 14, 2000, and signed by the Borough President.

(On April 22, 2009, Cal. No. 9, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 25**

**CD 13**

**C 090276 HAK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at

<u>Block</u>	<u>Lot</u>	<u>Address</u>
7060	1	1918 Mermaid Avenue
7060	3	1920 Mermaid Avenue
7060	4	1922 Mermaid Avenue
7060	5	1924 Mermaid Avenue
7060	7	1928 Mermaid Avenue
7060	8	1930 Mermaid Avenue
7060	9	1932 Mermaid Avenue
7060	14	West 19 <sup>th</sup> Street

7060	16	West 19 <sup>th</sup> Street
7060	17	West 19 <sup>th</sup> Street
7060	18	2924 West 19 <sup>th</sup> Street
7060	19	2926 West 19 <sup>th</sup> Street
7060	20	2930 West 19 <sup>th</sup> Street
7060	21	2934 West 19 <sup>th</sup> Street
7060	22	2936 West 19 <sup>th</sup> Street
7060	24	1901 Surf Avenue
7060	27	1905 Surf Avenue
7060	31	2929A West 20 <sup>th</sup> Street
7060	32	1917 Surf Avenue
7060	35	1923 Surf Avenue
7060	44	2923 West 20 <sup>th</sup> Street
7060	45	2921 West 20 <sup>th</sup> Street
7060	46	2919 West 20 <sup>th</sup> Street
7060	47	2917 West 20 <sup>th</sup> Street
7060	48	West 19 <sup>th</sup> Street
7060	49	West 19 <sup>th</sup> Street
7060	50	2938 West 19 <sup>th</sup> Street
7060	51	2938A West 19 <sup>th</sup> Street
7060	147	1924 West 20 <sup>th</sup> Street
7061	16	West 17 <sup>th</sup> Street
7061	21	2930 West 17 <sup>th</sup> Street
7061	39	West 19 <sup>th</sup> Street
7061	40	West 19 <sup>th</sup> Street
7061	41	West 19 <sup>th</sup> Street
7061	42	West 19 <sup>th</sup> Street
7061	43	2921 West 19 <sup>th</sup> Street

as an Urban Development Action Area; and

b) an Urban Development Action Area Project for such area; and

- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate residential and commercial development within Coney Island.

(On April 22, 2009, Cal. No. 10, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 26**

**CD 13**

**C 090277 PPK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning, located at:

**A:**

<b>BLOCK</b>	<b>LOTS</b>
7074	1, 4,6, p/o 20; p/o 23, 89, p/o 105, 170, p/o 190
7074	250, 254; p/o 256, 300, p/o 310, 340, 348, p/o 360
8694	1, 5, 11, 12,14, 16, 18, 25, 30, 33, 421
8695	61, 64; p/o 72, p/o 120, p/o 433
8696	35, 37, 44, 47, 48, 49, 50, 53; p/o 70, p/o 140, p/o 145, 211, p/o 212

**B:** Block 7071, Lot 142

(On April 22, 2009, Cal. No. 11, the Commission scheduled May 6, 2009 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**NOTICE**

**On Wednesday, May 6, 2009, at 9:30 a.m., at the New York City College of Technology, in the Klitgord Auditorium, 285 Jay Street, Brooklyn, New York a public hearing is being held by the Office of the Deputy Mayor for Economic Development and Rebuilding in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning applications for amendments to the City Map, the Zoning Map, the Zoning Resolution, acquisition of property and the designation of property as an Urban Development Action Area and project, and for the disposition of property to facilitate the Coney Island Plan.**

**This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 08DME007K.**

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IV. CITY PLANNING COMMISSION 2009 SCHEDULE OF MEETINGS  
January 1 to June 30

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY					NEW YEAR'S DAY 1	2	3
	4	REVIEW SESSION 5		6	CPC PUBLIC MEETING 7	8	10
	11		12	13	14	15	16
	18	MARTIN LUTHER KING, JR. DAY 19	REVIEW SESSION 20		CPC PUBLIC MEETING 21	22	23
	25	CHINESE NEW YEAR 26		27	28	29	30
FEBRUARY	1	REVIEW SESSION 2		3	CPC PUBLIC MEETING 4	5	6
	8		9	10	11	LINCOLN'S BIRTHDAY 12	13
	15	PRESIDENTS' DAY 16	REVIEW SESSION 17		CPC PUBLIC MEETING 18	19	20
	22	WASHINGTON'S BIRTHDAY 23		24	ASH WEDNESDAY 25	26	27
MARCH	1	REVIEW SESSION 2		3	CPC PUBLIC MEETING 4	5	6
	8		9	10	11	12	13
	15	REVIEW SESSION 16		17	CPC PUBLIC MEETING 18	19	20
	22		23	ST. PATRICK'S DAY 24	25	26	27
APRIL	29	REVIEW SESSION 30		31			
				CPC PUBLIC MEETING 1	2	3	4
	5	6	7	8	9	10	11
	PALM SUNDAY 12	13	14	15	PASSOVER 16	GOOD FRIDAY 17	18
	EASTER 19	REVIEW SESSION 20		21	CPC PUBLIC MEETING 22	23	24
26	27	28	29	30			
MAY	3	REVIEW SESSION 4		5	CPC PUBLIC MEETING 6	7	8
	10		11	12	13	14	15
	17	REVIEW SESSION 18		19	CPC PUBLIC MEETING 20	21	22
	24	25	26	27	28	29	30
31	MEMORIAL DAY						
JUNE		REVIEW SESSION 1		2	CPC PUBLIC MEETING 3	4	5
	7	8	9	10	11	12	13
	14	REVIEW SESSION 15		16	CPC PUBLIC MEETING 17	18	19
	21	22	23	24	25	26	27
	28	REVIEW SESSION 29		30			

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.  
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.

**V. CITY PLANNING COMMISSION 2009 SCHEDULE OF MEETINGS**  
**July 1 to December 31**

	SUN	MON	TUE	WED	THU	FRI	SAT
<b>JULY</b>				CPC PUBLIC MEETING 1	2	3 INDEPENDENCE DAY OBSERVED	4 INDEPENDENCE DAY
	5	6	7	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	31	
<b>AUGUST</b>	2	3 REVIEW SESSION	4	CPC PUBLIC MEETING 5	6	7	8
	9	10	11	12	13	14	15
	16 REVIEW SESSION	17	18	CPC PUBLIC MEETING 19	20	21	22
	23	24	25	26	27	28	29 RAMADAN BEGINS
	30	31					
<b>SEPTEMBER</b>			1	2	3	4	5
	6	7 LABOR DAY	8 REVIEW SESSION	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 ROSH HASHANAH
	27	28 YOM KIPPUR	29	30			
<b>OCTOBER</b>					1	2	3
	4	5 REVIEW SESSION	6	CPC PUBLIC MEETING 7	8	9	10
	11	12 COLUMBUS DAY	13	14	15	16	17
	18 REVIEW SESSION	19	20	CPC PUBLIC MEETING 21	22	23	24
	25	26	27	28	29	30	31
<b>NOVEMBER</b>	1	2 REVIEW SESSION	3 ELECTION DAY	CPC PUBLIC MEETING 4	5	6	7
	8	9	10	11	12	13	14
	15 DIWALI	16 REVIEW SESSION	17	CPC PUBLIC MEETING 18	19	20	21
	22	23	24	25	26	27	28
	29	30 REVIEW SESSION			THANKSGIVING		
<b>DECEMBER</b>			1	CPC PUBLIC MEETING 2	3	4	5
	6	7	8	9	10	11	12
	13	14 REVIEW SESSION	15	CPC PUBLIC MEETING 16	17	18	19 HANUKKAH
	20	21	22	23	24	25	26 KWANZAA BEGINS
	27	28	29	30	31	CHRISTMAS	

**Review Sessions** are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.  
**Public Meetings** are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.