



CITY PLANNING COMMISSION

September 5, 2012/ Calendar No. 8

N 120296 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 II.

This application for an amendment to the Zoning Resolution was filed by the Department of City Planning on May 2, 2012. The proposed text amendment will establish transparency requirements for R7D, R9D, and C4-5D districts.

RELATED ACTIONS

In addition to the amendment of the Zoning Resolution, which is the subject of this report (N 120296 ZRY), implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 120294 ZMK Zoning map amendment for an approximately 140-block area in Brooklyn Community District 3 to establish contextual zoning districts and a new Enhanced Commercial District.

N 120295 ZRK Zoning text amendment to establish a new zoning district, C4-4L; create a new Inclusionary Housing Area; and create a new Enhanced Commercial District.

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for a zoning map amendment (C 120294 ZMK).

ENVIRONMENTAL REVIEW

This application (N 120296 ZRY) in conjunction with the related applications (C 120294 ZMK and N 120295 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code

of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 12DCP156Y. The lead is the City Planning Commission.

A summary of the environmental review appears in the report on the related application for a zoning map amendment (C 120294 ZMK).

PUBLIC REVIEW

This application (N 120296 ZRY) along with the related application (N 120295 ZRK) was duly referred to Brooklyn Community Boards 3 and the Brooklyn Borough President on May 7, 2012, in accordance with the procedure for referring non-ULURP matters, in conjunction with the related action (C 120294 ZMK) which was certified as complete by the Department of City Planning on May 7, 2012 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Review

Community Board 3 held a public hearing on this application (N 120296 ZRY) and the related actions (C 120294 ZMK, N 120295 ZRK) on June 4, 2012 and, on that day, by a vote of 33 in favor, 1 against, and 1 abstentions, adopted a resolution recommending approval of this application.

Borough President's Review

The Brooklyn Borough President held a public hearing on this application (N 120295 ZRK) and the related actions (C 120294 ZMK, N 120296 ZRY) on June 18, 2012, and issued a recommendation approving the applications on August 6, 2012, with conditions.

A summary of the Borough President's recommendation and conditions appear in the report on the related application for a zoning map amendment (C 120294 ZMK).

City Planning Commission Public Hearing

On July 25, 2012 (Calendar No. 9), the City Planning Commission scheduled August 8, 2012, for a public hearing on this application (N 120296 ZRY). The hearing was duly held on August 8, 2012 (Calendar No. 24), in conjunction with the hearing on the related actions (C 120294 ZMK and N 120295 ZRK).

There were a number of speakers, as described in the report on the related application for the zoning map amendment (C 120294 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the zoning text (N 120296 ZRY) is appropriate.

A full consideration and analysis of the issues and the reasons for approving this application, as modified, appear in the report on the related application for a zoning map amendment (C 120294 ZMK).

RESOLUTION

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

And be it further

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

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 III

COMMERCIAL DISTRICT REGULATIONS

Chapter 2

Use Regulations

* * *

32-434

Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts

C4-5D C6-3D

In the districts indicated and in C2 Districts mapped within R7D or R9D Districts, #uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to non-#residential uses# which shall extend along the entire width of the #building#, and lobbies, entrances to subway stations and #accessory# parking spaces, provided such lobbies and entrances do not occupy, in total, more than 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear

feet on a #narrow street#, whichever is less. Such non-#residential uses# shall have a minimum depth of 30 feet from the #street wall# of the #building#. In C6-3D Districts, a vertical circulation core shall be permitted within such minimum 30 foot depth.

Enclosed parking spaces, or parking spaces within a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy #stories# that have a floor level within five feet of #curb level# provided they are located beyond 30 feet of the #street wall# of the #building#. However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage and, if such #building# fronts on both a #wide street# and a #narrow street#, such loading berth shall be located only on a #narrow street#.

In C6-3D Districts, each ground floor level #street wall# of a #commercial# or #community facility use# 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, where the #street wall# or portion thereof fronts an elevated rail line or is located within 50 feet of a #street wall# that fronts an elevated rail line, the glazing requirement of the area of the ground floor level #street wall# may be reduced from 70 percent to 50 percent, and not less than 35 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 15 percent of such area may be glazed with translucent materials. Furthermore, all security gates installed after September 30, 2009, 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#, except that this provision shall not apply to entrances or exits to parking garages.

In C4-5D Districts, and in C2 Districts mapped within R7D or R9D Districts, #buildings# developed after (date of adoption) or for portions of #buildings enlarged# on the ground floor level after (date of adoption), shall comply with the glazing provisions set forth in Section 132-30 (SPECIAL TRANSPARENCY REGULATIONS), inclusive. Such provisions shall apply in such districts to #building# frontages on Fulton Street in the Borough of Brooklyn and to frontages on Webster Avenue in the Borough of the Bronx. However, these provisions shall not apply to #buildings# on #zoning lots# with a width of less than 20 feet, provided such #zoning lot# existed on (date of adoption).

The above resolution (N 120296 ZRY), duly adopted by the City Planning Commission on September 5, 2012 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, *FAICP*, Chair
KENNETH J. KNUCKLES, *ESQ.*, Vice Chairman,
RAYANN BESSER, IRWIN G. CANTOR, PE, ALFRED C. CERULLO, *III*,
BETTY Y. CHEN, MICHELLE R. DE LA UZ, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. MCRAE, Commissioners