



CITY PLANNING COMMISSION

February 17, 2009 / Calendar 3

N 090049 ZRK

IN THE MATTER OF an application submitted by Toll Brooklyn, L.P. pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York concerning Article XII, Section 3 (Special Mixed Use Districts); and Article II, Section 3 (Bulk Regulations for Residential Buildings in Residence Districts) in Community District 6, Borough of Brooklyn.

This application for the zoning text amendment N 090049 ZRK was filed by Toll Brooklyn LP on July 28, 2008.

RELATED ACTIONS

In addition to the zoning text amendments which are the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 090047 ZRK	Amendment to the Zoning Map
C 090048 ZSK	Special Permit pursuant to Section 74-743(a)(2) for bulk modification

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 090048 ZSK).

ENVIRONMENTAL REVIEW

This application (N 090049 ZRK), in conjunction with the application for the related actions (C 090048 ZSK, C 090047 ZMK), 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 08DCP033K.

It was determined that the proposed action may have a significant effect on the environment. A Positive Declaration was issued on February 4, 2008, and distributed, published and filed. A summary appears in the application on the related report for a special permit (C 090048 ZSK).

PUBLIC REVIEW

On September 8, 2008, this application was duly referred to Community Board 6 and the Borough President for information and review in accordance with the procedures for non-ULURP matters. The related applications (C 090047 ZMK, C 090048 ZSK) were certified as complete by the Department of City Planning on September 8, 2008 and were duly referred to Brooklyn Community Board 6 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 6 held a public hearing on this application (N 090049 ZRK) on September 25, 2008, and on November 12, 2008, by a vote of 23 to ten with five abstentions, adopted a resolution recommending approval of the application with conditions. A summary of the recommendations of Community Board 6 appears on the related application for a special permit (C 090048 ZSK).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on December 17, 2008. A summary of the recommendations of the Borough President appears on the related application for a special permit (C 090048 ZSK).

City Planning Commission Public Hearing

On December 17, 2008 (Calendar No. 9) the City Planning Commission scheduled January 7, 2009, for a public hearing on this application (N 090049 ZRK). The hearing was duly held on January 7, 2009 for this application (Calendar No. 38) in conjunction

with the public hearing on the applications for the related zoning map amendment and special permit (C 090047 ZMK, C 090048 ZSK).

There were a number of appearances, as described in the related application for a special permit (C 090048 ZSK), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et. seq.) The designated WRP number is 08-014.

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

CONSIDERATION

The Commission believes that this application for amendments to the Zoning Resolution (N 090049 ZRK) is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appear in the application of the related report for a special permit (C 090048 ZSK).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 6, 2009, with respect to this application (CEQR No. 08DCP033K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigative measures that were identified as practicable

This report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

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

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

Matter in underline is new, to be added;

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

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

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

ARTICLE II – RESIDENCE DISTRICTS

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 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
<u>Community District 6, Brooklyn</u>	<u>R7-2</u>
Community District 7, Brooklyn	R8A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

* * *

23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

* * *

(i) In Community District 6, in the Borough of Brooklyn, in the R7-2 District within the areas shown on the following Map 14:



Map 14. Portion of Community District 6, Brooklyn

* * *

**23-942
In Inclusionary Housing designated areas**

The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in the #building#. In addition, the following rules shall apply:

District	Base #floor area ratio#	Maximum #floor area ratio#
R6*	2.2	2.42
R6**	2.7	3.6
R6A	2.7	3.6

R6B	2.0	2.2
<u>R7*</u>	<u>2.7</u>	<u>3.6</u>
<u>R7**</u>	<u>3.45</u>	<u>4.6</u>
R7A	3.45	4.6
R7D	4.2	5.6
R7X	3.75	5.0
R8	5.40	7.2
R9	6.0	8.0
R9A	6.5	8.5
R10	9.0	12.0

* 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 (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. ~~However, W~~where the #residence district# designation is an R6 District without ~~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.

* * *

ARTICLE XII - SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Mixed Use District

* * *

**123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts**

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

However, in #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Special Mixed Use District	Designated Residence District
MX 8-Community District 1, Brooklyn	R6 R6A R6B R7A
<u>MX 11-Community District 6,</u> <u>Brooklyn</u>	<u>R7-2</u>

* * *

123-90

Special Mixed Use Districts Specified

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

#Special Mixed Use District# - 1: (12/10/97) Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

* * *

#Special Mixed Use District# - 11: (effective date) Gowanus, Brooklyn

The #Special Mixed Use District# -11 is established in Gowanus, in Brooklyn as indicated on the #zoning maps#.

The above resolution (C 090049 ZRK), duly adopted, by the City Planning Commission on February 17, 2009 (Calendar No. 3), 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

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, A.I.A.,

ALFRED C. CERULLO III, BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,

SHIRLEY A. McRAE, JOHN MEROLO, KAREN A. PHILLIPS, Commissioners