



CITY PLANNING COMMISSION

June 17, 2009 / Supplemental Calendar No. 1

N 090335 ZRK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn, Community District 14.

This application for an amendment to the Zoning Resolution was filed by the Department of City Planning on February 24, 2009 to amend Section 23-011 relating to the modification of Quality Housing Study Areas within Brooklyn's Community District 14, and to Sections 23-144 and 23-922 to apply the Inclusionary Housing Program within portions of C4-4A and R7A districts within Brooklyn's Community District 14.

RELATED ACTIONS

In addition to the application for amendments of the Zoning Resolution which is the subject of this report (N 090335 ZRK), implementation of the proposed zoning text amendment also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

C 090336 ZMK: An amendment to the Zoning Map Section Nos. 16d, 17b, 22c, & 23d, changing existing R3-1, R3-2, R4, R5, R6, R7-1, C4-2, C4-3, C1-3 and C2-3 Districts to R1-2, R3X, R4A, R5B, R5D, R6A, R6B, R7A, C4-4A and C4-2 Districts.

BACKGROUND

A full background discussion and project description appears in the report on the related Zoning Map amendment application (C 090336 ZMK).

ENVIRONMENTAL REVIEW

This application (N 090335 ZRK), along with the related action (C 090336 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 09DCP058K. The lead agency is the City Planning Commission.

After a study of the potential impact of the proposed actions, a negative declaration was issued on March 2, 2009, which included (E) designations for hazardous materials, air quality and noise.

PUBLIC REVIEW

On March 3, 2009, this application (N 090335 ZRK) was duly referred to Community Board 14 and the Brooklyn Borough President for information and review in accordance with the procedures for non-ULURP matters. The related application (C 090336 ZMK) was certified as complete by the Department of City Planning on March 3, 2009, and was duly referred to Community Board 14 and the 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 14 held a public hearing on this application on April 2, 2009 and on April 20, 2009, by a vote of 26 to 0 with 0 abstaining, adopted a resolution recommending approval of this application.

Borough President Recommendation

This application (N 090335 ZRK), in conjunction with the related application (C 090336 ZMK), was considered by the Borough President, who issued a recommendation on May 19, 2009 approving the application without condition, but with the following comments:

- 1) Develop rezoning proposals within Community District 14 for the R4 and R5 districts between the Long Island Railroad Bay Ridge Division and Locust Avenue and the R5 district within the Special Ocean Parkway District, as a means to preserve neighborhood context.
- 2) To study making the Inclusionary Housing program applicable to areas of CD 14 recently zoned R7A and C4-4A.
- 3) To study changing the residential parking requirements from one space for every two dwelling units, to as much as one space for each dwelling unit in any development containing multifamily housing; and, eliminating the option to waive the parking requirement for R7A and C4-4A districts in Community District 14.

City Planning Commission Public Hearing

On May 20, 2009 (Calendar No. 4), the City Planning Commission scheduled June 3, 2009 for a public hearing on this application (N 090335 ZRK). The hearing was duly held on June 3, 2007 (Calendar No.15), in conjunction with the public hearing for the related action (C 090336 ZMK).

There were a number of speakers, as described in the report on the related application for a Zoning Map amendment (C 090336 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for an amendment to the Zoning Resolution (N 090335 ZRK) is appropriate. A full consideration and analysis of the issues, and reasons for approving this application appears in the report on the related Zoning Map amendment application (C 090336 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 the consideration described in this report, the Zoning Resolution of the City of New York, effective December 15, 1961, and as amended subsequently, 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 District Regulations

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-011
Quality Housing Program

(a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #development# or #enlargement# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#, #extension# or conversion shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). In R5D Districts, certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

* * *

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

* * *

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).

<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
<u>Community District 14, Brooklyn</u>	<u>R7A</u>

Community District 3, Manhattan
Community District 6, Manhattan
Community District 7, Manhattan
Community District 2, Queens

R7A R8A R9A
R10
R9A
R7X

* * *

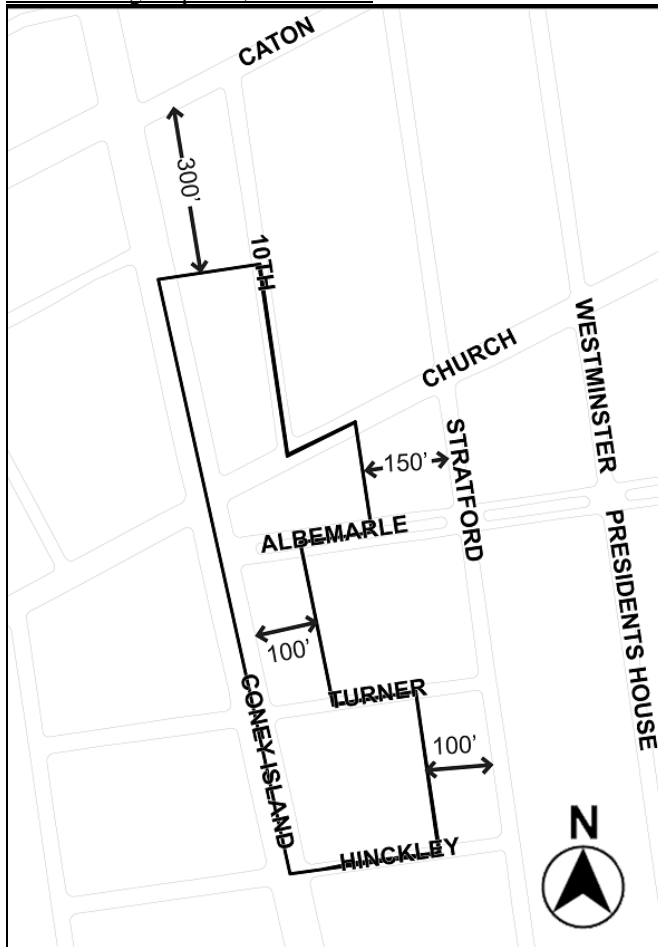
23-922

Inclusionary housing designated areas

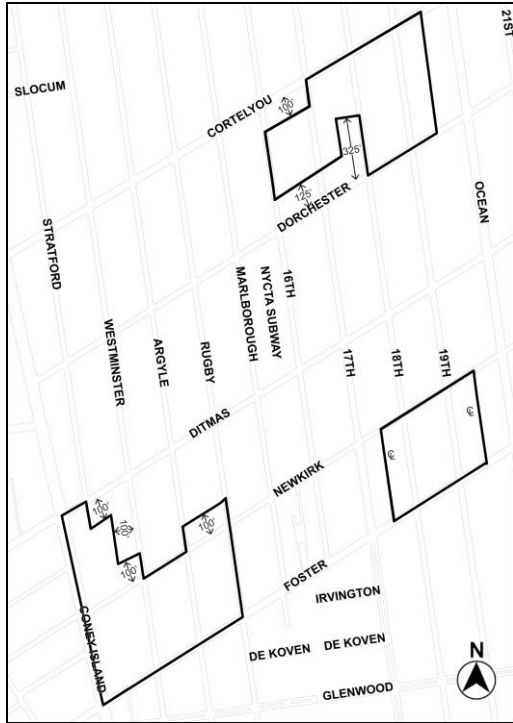
The Inclusionary Housing Program shall apply in the following areas:

* * *

(x) In Community District 14, in the Borough of Brooklyn, in the R7A Districts within the areas shown on the following Maps X1, X2 and X3:



Map X1. Portion of Community District 14, Brooklyn



Map X3. Portion of Community District 14, Brooklyn

The above resolution, duly adopted by the City Planning Commission of June 17, 2009 (Supplemental Calendar No. 1), is filed with the Office of the Speaker, City Council, and 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 Chair
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, KAREN A. PHILLIPS, Commissioners

RAYANN BESSER, Commissioner, ABSTAINED