



## **CITY PLANNING COMMISSION**

July 1, 2009/Calendar No. 10

N 090309 ZRK

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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, Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A and R8A districts, and Section 123-90, relating to the establishment of Special Mixed Use District #2 in DUMBO in the Borough of Brooklyn, Community District 2.

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The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on February 12, 2009. The proposed amendments will include the DUMBO rezoning area generally bounded by Adams Street, John Street, Bridge Street and Plymouth Street in Brooklyn Community District 2, among the Inclusionary Housing Designated Areas, and would rename the Special Mixed Use District (MX-2) to “DUMBO.”

### **RELATED ACTION**

In addition to an amendment of the Zoning Resolution, which is the subject of this report, 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 0090310 ZMK	Amendment of the Zoning Map, to rezone all or portions of twelve blocks from M1-2 and M3-1 districts to M1-4/R8A (MX-2) and M1-4/R7A (MX-2).
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### **BACKGROUND**

A full background discussion and description of this application appears in the report on the related zoning map amendment application (C 090310 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (N 090309 ZRK) in conjunction with the related application (C 090310 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 09DCP053K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 17, 2009, which included (E) designations for hazardous materials, air quality and noise.

## **PUBLIC REVIEW**

On February 17, 2009, this application (N 090309 ZRK) was duly referred to Community Board 2 and the Borough President for information and review in accordance with the procedures for non-ULURP matters. The related application (C 090310 ZMK) was certified as complete by the Department of City Planning on February 17, 2009, and was duly referred to Community Board 2 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 2 held a public hearing on this and the related application on March 18, 2009. A full discussion of the Community Board 2 resolution appears in the report on the related

zoning map amendment application (C 090310 ZMK).

### **Borough President Recommendation**

A full discussion of the Borough President's recommendation appears in the report on the related zoning map amendment application (C 090310 ZMK).

### **City Planning Commission Public Hearing**

On May 20, 2009 (Calendar No. 8), the City Planning Commission scheduled June 3, 2009, for a public hearing on this application (N 090309 ZRK). The hearing was duly held on June 3, 2009 (Calendar No. 19), in conjunction with the public hearing for the related action (C 090310 ZMK). There were a number of speakers as described in the related zoning map amendment application (C 090310 ZMK) and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application, in conjunction with the related action, 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 08-099.

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

## CONSIDERATION

The Commission believes that this amendment to the zoning text (N 090309 ZRK) is appropriate.

A full consideration of the issues and the reasons for approving this application appears in the report on the related zoning map amendment application (C 090310 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**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, 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 in # # 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

\* \* \*

#### 23-922

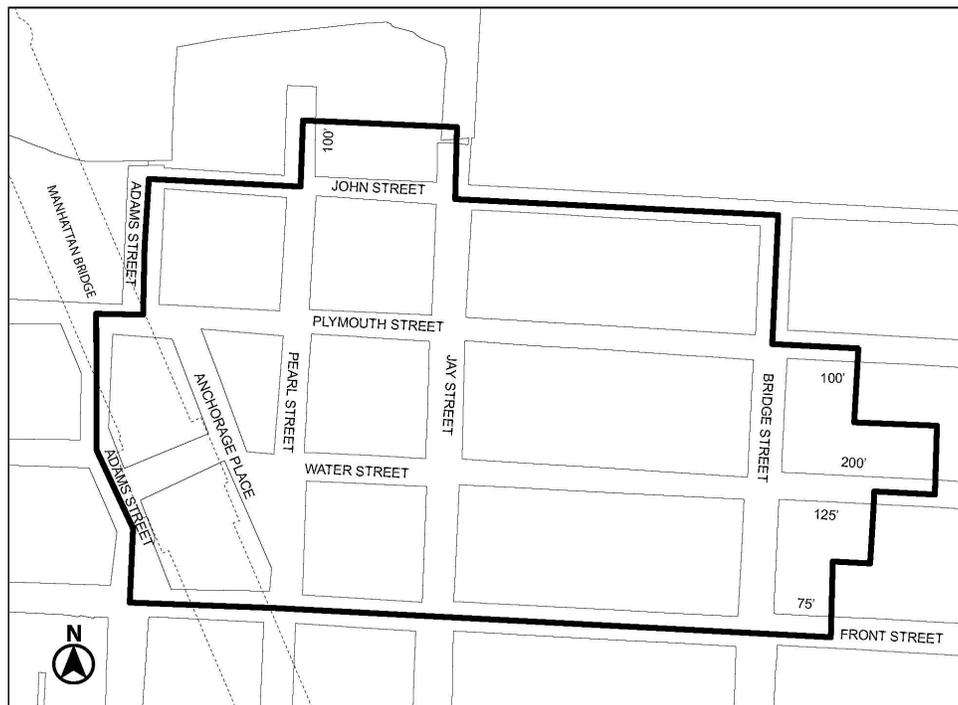
#### Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

\* \* \*

- (e) In Community District 2, in the Borough of Brooklyn, in the R7A and R8A Districts within the areas shown on the following Maps 7, 8, ~~and 9~~ and 10:

\* \* \*



Map 10  
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 ~~40~~11:

\* \* \*

Map ~~40~~11  
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~~ and 13:

\* \* \*

MAP ~~11~~12  
Portion of Community District 3, Brooklyn

\* \* \*

MAP ~~12~~13  
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~~14:

\* \* \*

MAP ~~13~~14  
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~~15:

\* \* \*

Map ~~14~~15: portion of Community District 3, Manhattan

\* \* \*

**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).

<u>Special Mixed Use District</u>	<u>Designated Residence District</u>
MX 8-Community District 1, Brooklyn	R6 R6A R6B R7A
<u>MX 2-Community District 2,</u> <u>Brooklyn</u>	<u>R7A R8A</u>

\* \* \*

**123-90**  
**SPECIAL MIXED USE DISTRICTS SPECIFIED**

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

#Special Mixed Use District# - 1:  
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# - 2:  
~~Fulton Ferry~~DUMBO, Brooklyn

The #Special Mixed Use District# - 2 is established in DUMBO ~~Fulton Ferry~~ in Brooklyn as indicated on the #zoning maps#.

\* \* \*

The above resolution (N 090309 ZRK), duly adopted by the City Planning Commission on July 1, 2009 (Calendar No. 10), 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, RAYANN BESSER,**  
**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**  
**BETTY Y. CHEN, MARIA M. DEL TORO,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL,**  
**SHIRLEY A. MCRAE, Commissioners**