



## **CITY PLANNING COMMISSION**

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July 12, 2006/Calendar No. 21

N 060504 ZRQ

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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 relating to Section 23-90 (Inclusionary Housing), to establish the Inclusionary Housing Program in two new R7X districts in Community District 2, Borough of Queens.

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This application for an amendment of the Zoning Resolution was filed by the Department of City Planning on May 17, 2006, to allow the Inclusionary Housing provisions of Section 23-90 to be applicable in two R7X districts recently mapped in Woodside, Queens, Community District 2 (CD2). Specifically, the Inclusionary Housing Program would apply in the R7X District mapped along Queens Boulevard between 50<sup>th</sup> and 57<sup>th</sup> streets, and in the R7X District mapped on the north side of Queens Boulevard between 64<sup>th</sup> and 73<sup>rd</sup> streets and on the south side of Queens Boulevard between 61<sup>st</sup> and 73<sup>rd</sup> streets. Additionally, the proposed text amendment includes administrative changes pertinent to the Inclusionary Housing Program.

### **BACKGROUND**

The Maspeth/Woodside Rezoning (C 060294 ZMQ), adopted by the City Council on June 29, 2006, affects approximately 134 blocks in Woodside (CD2) and Maspeth (Community District 5) located in western Queens. The rezoning represents a balanced plan that addresses the need for new housing opportunities while preserving and fortifying neighborhood character. The primary intent is to preserve and reinforce the prevailing neighborhood fabric and prevent out-of-character development. To recognize and protect the existing built character, significant portions of Maspeth and Woodside have been rezoned from R4, R5, R5B, R6, and R6B districts to lower-density or contextual zoning districts (R4-1, R4B, R5, and R5B).

Additionally, the Maspeth/Woodside Rezoning addresses the need for new housing opportunities by extending higher-density and contextual residential districts primarily along Queens Boulevard in Woodside. To encourage new multifamily construction, portions within the Queens Boulevard corridor and at the Queens Boulevard/Roosevelt Avenue junction have been changed from R4/C2-2, R5/C2-2, C8-1, and M1-1 to higher-density or contextual zoning districts (R6/C2-3 and R7X/C2-3).

During the public review of the Maspeth/Woodside Rezoning, affordable housing was the subject of extensive discussion. Both Community Board 2 (CB2) and the Council Member for District 26 (CD26), and

speakers at the Commission's public hearing, raised concerns about the availability of affordable housing within the rezoning area. In response to those concerns, the Department of City Planning is proposing this text amendment.

As proposed, the Inclusionary Housing Program of Section 23-90 would be applicable in the R7X districts recently established as part of the Maspeth/Woodside Rezoning. Specifically, the affected areas are along the northerly frontage of Queens Boulevard from 50<sup>th</sup> to 57<sup>th</sup> streets and on the north side of Queens Boulevard between 64<sup>th</sup> and 73<sup>rd</sup> streets and on the south side of Queens Boulevard between 61<sup>st</sup> and 73<sup>rd</sup> streets. The program would not be applicable to the frontages along Queens Boulevard between 57<sup>th</sup> and 64<sup>th</sup> streets as these frontages were rezoned from R6 to R7X in 1994 and 1996.

The R7X district is a contextual district with a maximum floor area ratio (FAR) of 5.0, a minimum base height of 60 feet, a maximum base height of 85 feet, and a maximum building height of 125 feet. Typical new developments would range from eight to 12 stories.

The proposed text amendment would permit the maximum allowable FAR of 5.0 exclusively for developments within the specified R7X districts on Queens Boulevard that provide affordable housing. For developments not utilizing the Inclusionary Housing regulations, the maximum FAR would be 3.75.

In order to receive the Inclusionary Housing "bonus", developments must provide 20 percent of the residential floor area for households with incomes at or below 80 percent of the Area Median Income (AMI). Affordable units would be developed and administered pursuant to a Lower Income Housing plan with the Department of Housing Preservation and Development and would remain affordable in perpetuity. The developer may opt to set aside a portion of the units within the new building at below-market rates, or provide new or rehabilitated affordable units off-site in exchange for the increase in floor area. Off-site units could be provided within CD2 or in an adjacent community district and within a one-half mile radius of the development site.

## **ENVIRONMENTAL REVIEW**

This application (N 060504 ZRQ) 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 06DCP104Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on May 22, 2006.

## **PUBLIC REVIEW**

On May 22, 2006, this application (N 060504 ZRQ) was duly referred to Community Board 2 and the Queens Borough President, in accordance with the procedure for referring for non-ULURP items.

### **Community Board Review**

Community Board 2 held a public hearing on this application on June 1, 2006, and on that date, by a vote of 36 to 3 with no abstentions, adopted a resolution recommending approval of the application.

### **Borough President Review**

This application was considered by the Borough President on June 8, 2006, who issued a recommendation to approve the application on June 15, 2006.

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

On June 7, 2006 (Calendar No. 2), the City Planning Commission scheduled June 21, 2006, for a public hearing on this application (N 060504 ZRQ). The hearing was duly held on June 21, 2006 (Calendar No. 18). There were no speakers on the application, and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this amendment of the Zoning Resolution (N 060504 ZRQ) is appropriate.

The Commission notes that the Department of City Planning has initiated several recent rezoning actions – particularly in Greenpoint-Williamsburg and South Park Slope in Brooklyn – that have incorporated an Inclusionary Housing incentive to promote affordable housing in conjunction with new development. The Commission believes allowing the Inclusionary Housing Program to apply to Queens Boulevard in

Woodside, Queens is consistent with these prior actions fostering the creation and maintenance of affordable housing. Similar to the Inclusionary Housing Program recently established in South Park Slope, the proposed zoning text encourages the development of affordable units by allowing a 33 percent increase in floor area and affords developers flexibility by permitting the development of affordable units either on site, off site or through preservation of existing affordable units. The Commission believes that inclusion of affordable housing is an important element in creating and maintaining an economically diverse community in Woodside.

## 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 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

\* \* \*

### 23-141

#### Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in paragraph (a) of Section 23-144 23-147 (For non-profit residences for the elderly in ~~R3, R4, R5, R6 and R7 Districts~~), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following tables:

\* \* \*

**23-142**

**In R6, R7, R8 or R9 Districts**

R6 R7 R8 R9

Except as otherwise provided in the following Sections:

Section 23-144 (In R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable)

Section 23-145 (For residential buildings developed or enlarged pursuant to the Quality Housing Program) ~~and~~

Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn), and Sections 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) ~~and~~

Section 23-147 (For non-profit residences for the elderly)

in the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following table for #buildings# with the #height factor# indicated in the table.

\* \* \*

**23-143**

**For high buildings in R6, R7, R8 or R9 Districts**

R6 R7 R8 R9

Except as otherwise provided in paragraph (a) of Section 23-144 23-147 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts), in the districts indicated, for #buildings# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

\* \* \*

**23-144**

**In R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable**

In R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable, as listed in the table below, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In R6, R7 and R8 Districts). The locations of such districts are specified in Section 23-922 (Certain R6, R7 and R8 Districts).

<b>Community District</b>	<b>Zoning District</b>
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 7, Brooklyn	R8A
Community District 2, Queens	R7X

**23-145**

**For residential buildings developed or enlarged pursuant to the Quality Housing Program**

R6 R7 R8 R9 R10

\* \* \*

However, the #floor area ratios# in the table in this Section shall be modified in certain R6, R7 and R8A Districts within Community Districts 1 and 7, Borough of Brooklyn, as specified in Section 23-942 (In Community Districts 1 and 7, Borough of Brooklyn).

\* \* \*

**23-144 23-147**

**For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts**

(a) In R3, R4, R5, R6 and R7 Districts

R3 R4 R5 R6 R7

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

Districts	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3	0.95	66.5
R4	1.29	39.4
R5	1.95	23.1
R6	3.90	17.7
R7	5.01	12.8

However, in R6 or R7 Districts, the minimum required #open space ratio# shall not apply to #non-profit residences for the elderly developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program. Such #developments# or #enlargements# shall be subject to the requirements of R6A or R7A Districts, respectively, as set forth in Section 23-147 (For non-profit residences for the elderly in R6A, R6B, R7A, R7B or R7X Districts). paragraph (b) of this Section.

**23-147**

**For non-profit residences for the elderly in R6A, R6B, R7A, R7B and R7X Districts**

(b) In R6A R6B R7A R7B R7X Districts

R6A R6B R7A R7B R7X

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

MAXIMUM LOT COVERAGE AND FAR  
FOR  
NON-PROFIT RESIDENCES FOR THE ELDERLY  
(in percent)

Maximum #Lot Coverage#		Maximum #Floor Area Ratio#	District
#Corner Lot#	#Interior Lot# or #Through Lot#		
80	65	3.90	R6A
80	60	2.00	R6B
80	70	5.01	R7A
80	65	3.90	R7B
80	70	5.01	R7X

\* \* \*

**23-90**

**INCLUSIONARY HOUSING**

\* \* \*

**23-92**

**Applicability**

**23-921**

**R10 Districts**

\* \* \*

23-922

**Community Districts 1 and 7, Borough of Brooklyn  
Certain R6, R7 and R8 Districts**

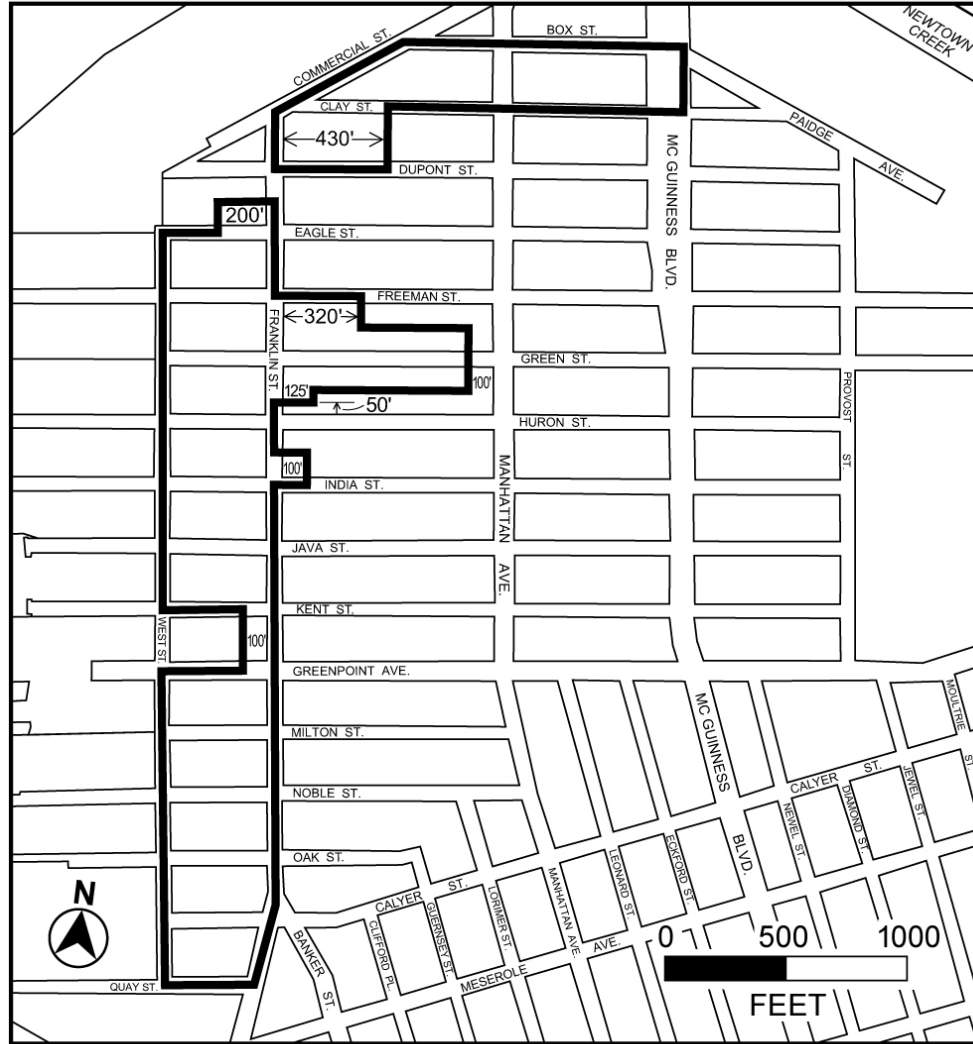
The Inclusionary Housing Program shall apply:

- (a) ~~In the following areas of Community District 1, in the Borough of Brooklyn, located in a area bounded by South 5<sup>th</sup> Street, Grand Street Extension/Borinquen Place, Union Avenue, Metropolitan Avenue, Humboldt Street, Meeker Avenue, Russell Street, Engert Avenue, McGuinness Boulevard, the Newtown Creek and the East River:~~
- (1) ~~Waterfront Access Plan BK 1, as set forth in Section 62-352;~~
  - (2) ~~all #Special Mixed Use Districts#;~~
  - (3) ~~all R6A, R6B and R7A Districts; and~~
  - (4) ~~R6 Districts within the following areas:—~~
    - (i) ~~the #block# bounded by Havemeyer Street, North Sixth Street, Metropolitan Avenue and North Fifth Street;~~
    - (ii) ~~the #block# bounded by Roebling Street, North Fifth Street, Havemeyer Street, Metropolitan Avenue and North fourth Street;~~
    - (iii) ~~those #blocks# bounded by Wythe Avenue, Grand Street, Berry Street and South Third Street;~~
    - (iv) ~~those #blocks# and portions of #blocks# bounded by Bedford Avenue, North 1<sup>st</sup> Street, Driggs Avenue, Fillmore Place, Roebling Street, and a line coincident with the centerline of the long dimension of the #blocks# bounded by Bedford Avenue, Grand Street, Roebling Street and South First Street;~~
    - (v) ~~that portion of the #block# bounded by Havemeyer Street, Hope Street, Marey Avenue and South First Street that is within 100 feet of Grand Street; and~~
    - (vi) ~~that portion of the #block# bounded by Franklin Street, Huron Street, Manhattan Avenue and India Street that is within 100 feet of Franklin Street and 100 feet of India Street.~~



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:

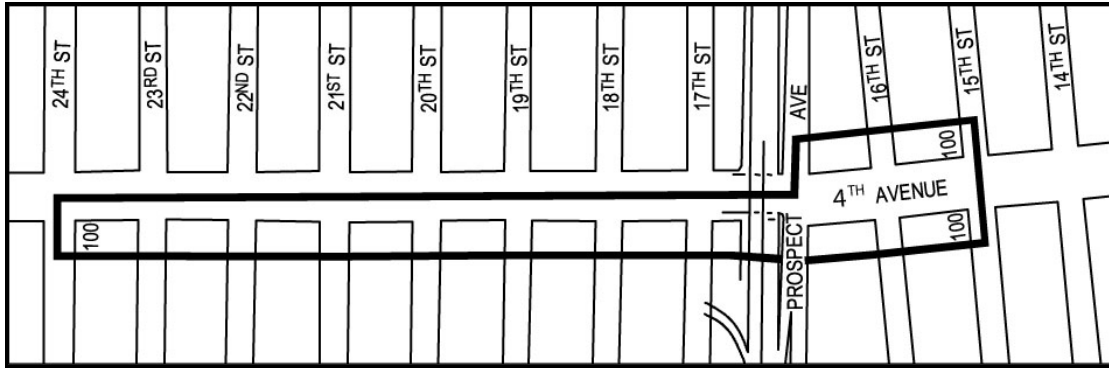


Map 1, Portion of Community District 1 Brooklyn



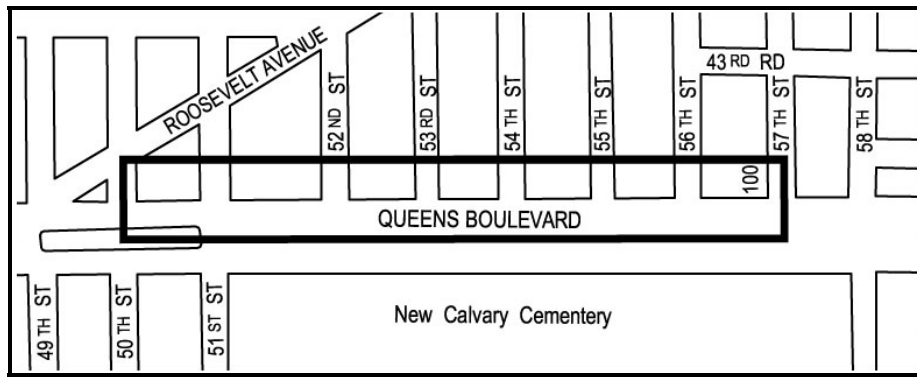
Map 2, Portion of Community District 1, Brooklyn

- (b) In Community District 7, in the Borough of Brooklyn, in all the R&A districts within the area shown on the following Map 3:

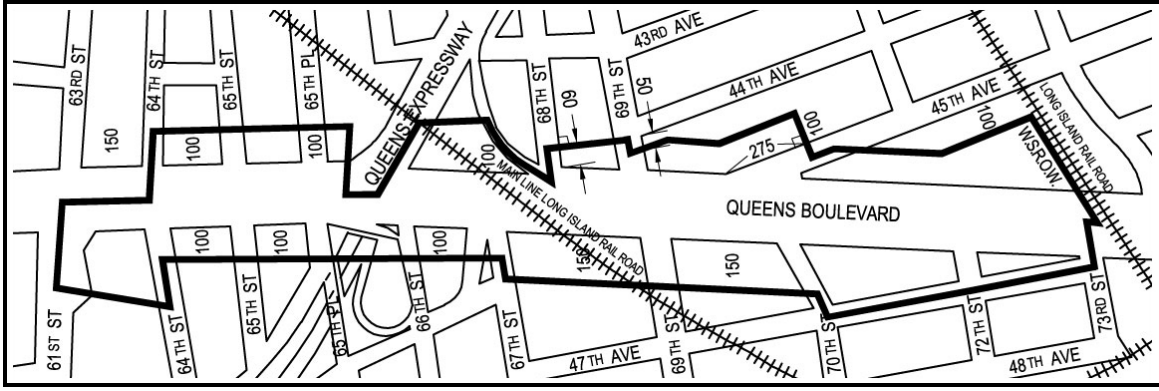


Map 3, Portion of Community District 7, Brooklyn

- (c) In Community District 2, in the Borough of Queens, in the R7X Districts within the areas shown on the following Maps 4 and 5:



Map 4, Portion of Community District 2, Queens



Map 5, Portion of Community District 2, Queens

**23-93**

**Definitions**

For the purposes of the Inclusionary Housing program, matter in *italics* is defined either in Section 12-10 (DEFINITIONS) or in this Section.

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, in *Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 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.

\* \* \*

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 ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 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 ~~Community Districts 1, 2 and 7, Borough of Brooklyn, #R6, R7 and R8 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#.

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 ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 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 Community Districts 1 and 7, Borough of Brooklyn, in #R6, R7 and R8 designated areas#~~, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

Lower income housing plan

\* \* \*

R6, R7 and R8 designated areas

"R6, R7 and R8 designated areas" shall be those areas specified in Section 23-922 (Certain R6, R7 and R8 Districts)

\* \* \*

**23-941  
In R10 Districts**

\* \* \*

**23-942  
In Community Districts 1 and 7, Borough of Brooklyn  
In R6, R7 and R8 Districts**

The provisions of this Section shall apply in the designated areas set forth in Section 23-922, except within Waterfront Access Plan BK-1.

(a) Maximum #floor area ratio#

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
R7A	3.45	4.6
<u>R7X</u>	<u>3.75</u>	<u>5.0</u>
R8A	5.4	7.2

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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.

- (c) #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).

## 23-95

### Lower Income Housing Requirements

\* \* \*

- (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 ~~Community Districts 1 and 7, Borough of Brooklyn, #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 ~~Community Districts 1 and 7, Borough of Brooklyn, #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 ~~Community Districts 1 and 7, Borough of Brooklyn~~ #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.

\* \* \*

**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# contain 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 ~~Community Districts 1 and 7, Borough of Brooklyn~~ #R6, R7 and R8 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 ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 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 ~~Community Districts 1 and 7, Borough of Brooklyn, #R6, R7 and R8 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#.

\* \* \*

### **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 R6A R6B R7-2 R7A R7B 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 designated areas set forth in Section 23-922 (~~Community Districts 1 and 7, Borough of Brooklyn Certain R6, R7 and R8 Districts~~), except within Waterfront Access Plan Bk-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

\* \* \*

### **35-31**

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

C1 C2 C3 C4 C5 C6

\* \* \*

In the designated areas set forth in Section 23-922 (~~Community Districts 1 and 7, Borough of Brooklyn Certain R6, R7 and R8 Districts~~), except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

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 XII SPECIAL PURPOSE DISTRICTS**

**Chapter 3  
Special Mixed Use Districts**

\* \* \*

**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 ~~provisions of Sections 23-142 (In R6, R7, R8 or R9 Districts) through 23-144 regulating minimum required #open space ratios# and maximum #floor area ratios#~~ 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 designated R6, R7 or R8 Districts where the Inclusionary Housing Program is applicable, as listed below, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In R6, R7 and R8 Districts). The locations of such districts are specified in Section 23-922 (Certain R6, R7 and R8 Districts).

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

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

(a) Maximum #floor area ratio#

\* \* \*

(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 designated areas set forth in Section 23-922 (~~Community Districts 1 and 7, Borough of Brooklyn~~ Certain R6, R7 and R8 Districts), except within Waterfront Access Plan Bk-1, the #floor area ratios# of Section 23-942 shall apply.

\* \* \*

The above resolution (N 060504 ZRQ), duly adopted by the City Planning Commission on July 12, 2006 (Calendar No. 21), 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, AICP, Chair**  
**KENNETH J. KNUCKLES, Esq. Vice Chair**  
**ANGELA BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI,**  
**JOHN MEROLO, DOLLY WILLIAMS, Commissioners**