

COUNCIL OF THE CITY OF NEW YORK

CALENDAR
OF
THE LAND USE COMMITTEE
FOR THE WEEK OF JULY 27 – JULY 31, 2009

MELINDA R. KATZ, *Chair*, Land Use Committee

TONY AVELLA, *Chair*, Subcommittee on Zoning and Franchises

JESSICA S. LAPPIN, *Chair*, Subcommittee on Landmarks, Public Siting
and Maritime Uses

DANIEL R. GARODNICK, *Chair*, Subcommittee on Planning, Dispositions
and Concessions

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SUBCOMMITTEE ON ZONING AND FRANCHISES

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 a.m. on Monday, July 27, 2009.

ULURP NOS. 090309 AND 090310 ARE RELATED

PRE. L.U. NO.

DUMBO REZONING

BROOKLYN CB - 02

N 090309 ZRK

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.

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

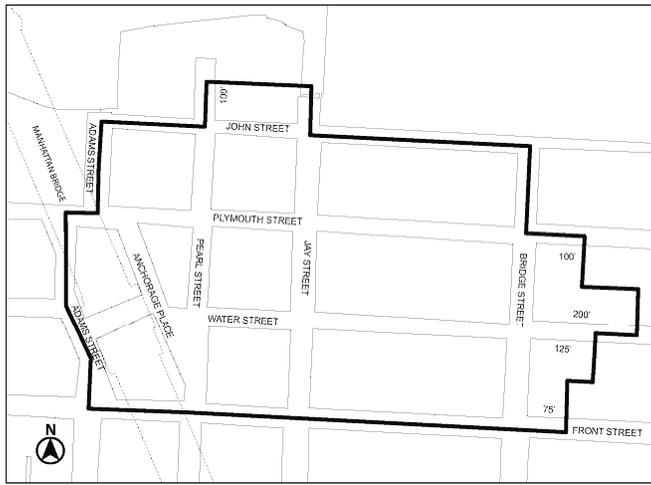
Inclusionary housing designated areas

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 4011
 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 ~~41 and 12~~ and 13:

* * *

MAP 4112
 Portion of Community District 3, Brooklyn

* * *

MAP 4213
 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 ~~43~~14:

* * *

MAP 4314
 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 4415:

* * *

Map 4415: 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>
<u>MX 8-Community District 1, Brooklyn</u>	<u>R6 R6A R6B R7A</u>
<u>MX 2-Community District 2, 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#.

* * *

PRE. L.U. No.
DUMBO REZONING

BROOKLYN CB - 02

C 090310 ZMK

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d.

1. changing from an M1-2 District to an M1-4/R7A District property bounded by Plymouth Street, Bridge Street, a line midway between Plymouth street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, and a line 150 feet easterly of Jay Street;
2. changing from an M3-1 District to an M1-4/R7A District property bounded by:
 - a) John Street, Bridge Street, Plymouth Street, and a line 150 feet easterly of Jay Street; and
 - b) Plymouth Street, a line 100 feet easterly of Bridge Street, a line midway between Plymouth Street and Water Street;
3. changing from an M1-2 District to an M1-4/R8A District bounded by Plymouth Street, a line 150 feet easterly of Jay Street, Front Street, and Adams Street;
4. changing from an M3-1 District to an M1-4/R8A District property bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, a line 150 feet easterly of Jay street, Plymouth Street, and Adams Street; and
5. establishing a Special Mixed Use District (MX-2) bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, Bridge Street, Plymouth Street, a line 100 feet easterly of Bridge Street, a line midway between Plymouth Street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, Adams Street, Plymouth Street, and Adams Street;

as shown in a diagram (for illustrative purposes only) dated February 17, 2009 and which includes CEQR designation E-231.

PRE. L.U. No.
INCLUSIONARY HOUSING TEXT AMENDMENT

CITYWIDE

N 090316 ZRY

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 modifications of Section 23-90 (Inclusionary Housing Program) and various related Sections of the Zoning Resolution.

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

**12-10
 DEFINITIONS**

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

* * *

Inclusionary Housing designated area (7/25/07)

An “Inclusionary Housing designated area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of sSuch #Inclusionary Housing designated areas# are identified in Section 23-922 Appendix A of Article II, Chapter 3 of this Resolution or in Special Purpose Districts, as applicable.

* * *

**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 23-9452 (In Inclusionary Housing designated areas). The locations of such districts are specified in ~~Section 23-922 (Inclusionary Housing designated areas)~~ Appendix A of this Chapter.

<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
<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

* * *

**23-15
 Maximum Floor Area Ratio in R10 Districts**

R10

In the district indicated, except in #Inclusionary Housing designated areas#, the #floor area ratio# for any #building# on a #zoning lot# shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum #floor area ratio# of 10.0.

**23-90
INCLUSIONARY HOUSING**

**23-91
General Provisions**

~~An Inclusionary Housing program is established in those areas designated in Section 23-92 (Applicability) to preserve and to promote a mixture of low to upper income housing in neighborhoods experiencing a shift to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-95.~~

**23-92
Applicability**

**23-921
R10 Districts**

~~The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions relating to such designated areas, and in all other R10 Districts, subject to the provisions of Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.~~

**23-922
Inclusionary housing designated areas**

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 deleted)~~

~~Map 1
Portion of Community District 1, Brooklyn~~

~~(map deleted)~~

~~Map 2
Portion of Community District 1, Brooklyn~~

~~(b) In Community District 1, in the Borough of Brooklyn, in the R7-3 Districts within the area shown on the following Map 3:~~

~~(map deleted)~~

~~Map 3
Portion of Community District 1, Brooklyn~~

~~(c) In Community District 7, in the Borough of Brooklyn, in the R8A District within the area shown on the following Map 4:~~

~~(map deleted)~~

~~Map 4
Portion of Community District 7, Brooklyn~~

~~(d) In Community District 2, in the Borough of Queens, in the R7X Districts within the areas shown on the following Maps 5 and 6:~~

(map deleted)

~~Map 5~~

~~Portion of Community District 2, Queens~~

(map deleted)

~~Map 6~~

~~Portion of Community District 2, Queens~~

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

(map deleted)

~~Map 7~~

~~Portion of Community District 2, Brooklyn~~

(map deleted)

~~Map 8~~

~~Portion of Community District 2, Brooklyn~~

(map deleted)

~~Map 9~~

~~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 10:~~

(map deleted)

~~Map 10~~

~~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:~~

(map deleted)

~~Map 11~~

~~Portion of Community District 3, Brooklyn~~

(map deleted)

~~Map 12~~

~~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:~~

(map deleted)

~~Map 13~~

~~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:

(map deleted)

Map 14

Portion of Community District 3, Manhattan

The Inclusionary Housing Program shall apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

23-93

Definitions

For the purposes of ~~the inclusionary housing program~~ this Section 23-90 (INCLUSIONARY HOUSING), inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

23-911

General Definitions

The following definitions shall apply throughout this Section 23-90 (INCLUSIONARY HOUSING), inclusive:

Administering agent

~~The~~ An "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring, pursuant to a #regulatory agreement#:

- (a) that each subject rental #affordable housing unit# is rented in compliance with such ~~plan~~ #regulatory agreement# at #rent-up# and upon each subsequent vacancy; or
- (b) that each subject #homeownership affordable housing unit# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.

~~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 #Inclusionary Housing 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.~~

Affordable floor area

- (a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# is "affordable floor area".
- (b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, the "affordable floor area" in such #generating site# is the sum of:
 - (1) all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site#; plus

- (2) a figure determined by multiplying the #residential floor area# of the #eligible common areas#

in such #generating site# by a fraction, the numerator of which is all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super's unit#, that are not #affordable housing units#.

Affordable housing

"Affordable housing" consists of:

- (a) #affordable housing units#; and
- (b) #eligible common areas#.

Affordable housing plan

An "affordable housing plan" is a plan approved by #HPD# to #develop#, rehabilitate or preserve rental or #homeownership affordable housing# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Affordable housing unit

An "affordable housing unit" is:

- (a) a #dwelling unit#, other than a #super's unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:
 - (1) #low income households#;
 - (2) where permitted by Section 23-953 (Special provisions in specified areas), either #low income households# or a combination of #low income households# and #moderate income households# or #middle income households#; or
 - (3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable;
- (b) a #rooming unit#, other than a #super's unit#, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by a #low income households#; or
- (c) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 23-913, pursuant to a #regulatory agreement#, must be #dwelling units#.

Capital element

"Capital elements" are, with respect to any #generating site#, the electrical, plumbing, heating and ventilation systems in such #generating site#, any air conditioning system in such #generating site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #generating site# and any other portions of such #generating site# specified in the #guidelines#.

Compensated development

A "compensated development" is a #development#, an #enlargement# of more than 50 percent of the #floor area# of an existing #building# or, where permitted by the provisions of Section 23-953(d), a conversion of a non-#residential building#, or portion thereof, to #dwelling units#, that is located within a #compensated zoning lot# which receives an increased #floor area ratio# as a result of satisfying the requirements of the inclusionary housing program.

Compensated zoning lot

A "compensated zoning lot" is a #zoning lot# that contains a #compensated development# and receives an increased #floor area ratio# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Completion notice

A "completion notice" is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #generating site# is complete and stating the #affordable floor area# of such #affordable housing#.

Development

For the purposes of this program, a "development" is a #development# as defined in Section 12-10₂ or an #enlargement# of more than 50 percent of the #floor area# of an existing #building#.

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 # Inclusionary Housing 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 ₁ ₁ 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 # Inclusionary Housing 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#.

Inclusionary Housing designated areas

“Inclusionary Housing designated areas” shall be those areas specified in Section 23-922 (Inclusionary Housing designated areas).

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 #Inclusionary Housing 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 # Inclusionary Housing designated areas#, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

Lower income housing plan

The "lower income housing plan," is the plan accepted by the Commissioner of Housing Preservation and Development, which sets forth the developer's plans for creating and maintaining the specified #lower income housing# pursuant to this program, including but not limited to, choice of #administering agent#, tenant selection, rent levels in the #lower income housing# and income verification of tenants pursuant to paragraphs (b), (c) and (d) of Section 23-95.

Standard unit

A "standard unit" is a:

- ~~— (a) #dwelling unit#;~~
- ~~— (b) #rooming unit#; or~~
- ~~— (c) room used for sleeping purposes in a non-profit institution with sleeping accommodations, which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program.~~

~~In each case, it shall be free of violations (and located in a #building# in which the common areas are free of violations) under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution as noted in or issued by a city or state agency as of the date of acceptance of the #lower income housing plan#.~~

~~In #standard units#, all windows shall be double glazed.~~

Eligible common area

"Eligible common area" includes any #residential floor area# in a #generating site# that is located within the perimeter walls of a #super's unit#, and also includes any #residential floor area# in such #generating site# that is not located within the perimeter walls of any other #dwelling unit# or #rooming unit#, except any #residential floor area# for which a user fee is charged to residents of #affordable housing units#.

Floor area compensation

"Floor area compensation" is any additional #residential floor area# permitted in a #compensated development# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Generating site

A "generating site" is a #building# or #building segment# containing either #residential affordable floor area#, or a #supportive housing project#, that generates #floor area compensation#. Non-#residential floor area# on a #generating site#, other than a #supportive housing project#, may not generate #floor area compensation#.

Grandfathered tenant

A "grandfathered tenant" is any #household# that:

- (a) occupied an #affordable housing unit# in #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date# pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and
- (b) has not been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#; or
- (c) in #homeownership preservation affordable housing# or #homeownership substantial rehabilitation affordable housing#, has been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

Guidelines

The "guidelines" are the guidelines adopted by #HPD# pursuant to paragraph (k) of Section 23-96 (Requirements for Generating Sites).

Household

Prior to #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons occupying such #affordable housing unit#.

HPD

"HPD" is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

Income index

The "income index" is 200 percent of the Very Low-Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for household size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

Initial occupancy

"Initial occupancy" is:

- (a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or
- (b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, "initial occupancy" is the #regulatory agreement date#.

Low income floor area

The "low income floor area" is the #affordable floor area# that is provided for #low income households# or, upon #resale# as defined in Section 23-913, #eligible buyers#.

Low income household

A "low income household" is a #household# having an income less than or equal to the #low income limit# at #initial occupancy#, except that, with regard to #low income floor area# within #preservation affordable housing# or #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #low income household#.

Low income limit

The "low income limit" is 80 percent of the #income index#.

Middle income floor area

The "middle income floor area" is the #affordable floor area# that is provided for #middle income households# or, upon #resale# as defined in Section 23-913, for #eligible₁₄ buyers#.

Middle income household

A “middle income household” is a #household# having an income greater than the #moderate income limit# and less than or equal to the #middle income limit# at #initial occupancy#, except that, with regard to #middle income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #middle income household#.

Middle income limit

The “middle income limit” is 175 percent of the #income index#.

Moderate income floor area

The "moderate income floor area" is the #affordable floor area# that is provided for #moderate income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Moderate income household

A “moderate income household” is a #household# having an income greater than the #low income limit# and less than or equal to the #moderate income limit# at #initial occupancy#, except that, with regard to #moderate income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #moderate income household#.

Moderate income limit

The “moderate income limit” is 125 percent of the #income index#.

New construction affordable housing

"New construction affordable housing" is #affordable housing# that:

- (a) is located in a #building# or portion thereof that did not exist on a date which is 36 months prior to the #regulatory agreement date#;
- (b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #regulatory agreement date#; and
- (c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

Permit notice

A "permit notice" is a notice from #HPD# to the Department of Buildings stating that building permits may be issued to a #compensated development# to utilize #floor area compensation# from all or a portion of the #affordable floor area# on a #generating site#. Any #permit notice# shall:

- (a) state the amount of #low income floor area#, #moderate income floor area#, or #middle income floor area# attributable to such #generating site#;
- (b) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#;
- (c) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# has utilized #public funding#; and
- (d) specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

Preservation affordable housing

"Preservation affordable housing" is #affordable housing# that:

- (a) is a #generating site# that existed and was¹⁵legally permitted to be occupied on the #regulatory

agreement date#, except as permitted in the #guidelines#; and

- (b) complies with the provisions of Section 23-961(e) (Special requirements for rental #preservation affordable housing#) or Section 23-962(f) (Special requirements for #homeownership preservation affordable housing#), as applicable.

Public funding

"Public funding" is any grant, loan or subsidy from any federal, state or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. "Public funding" shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes pursuant to Section 420-a, Section 420-c, Section 421-a, Section 422, Section 488-a, or Section 489 of the Real Property Tax Law, Article XI of the Private Housing Finance Law or such other programs of full or partial exemption from or abatement of real property taxation as may be specified in the #guidelines#.

Regulatory agreement

A "regulatory agreement" is an agreement between #HPD# and the owner of the #affordable housing# that requires compliance with all applicable provisions of an #affordable housing plan#, Section 23-90 (INCLUSIONARY HOUSING), inclusive and the #guidelines#.

Regulatory agreement date

The "regulatory agreement date" is, with respect to any #affordable housing#, the date of execution of the applicable #regulatory agreement#. If a #regulatory agreement# is amended at any time, the "regulatory agreement date" is the original date of execution of such #regulatory agreement#, without regard to the date of any amendment.

Regulatory period

The "regulatory period" is, with respect to any #generating site#, the entire period of time during which any #floor area compensation# generated by the #affordable floor area# on such #generating site# is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings or is otherwise under construction or in #use# in a #compensated development#.

Substantial rehabilitation affordable housing

"Substantial rehabilitation affordable housing" is #affordable housing# that:

- (a) is a #generating site# that existed on the #regulatory agreement date#, and
(b) complies with the provisions of Section 23-961(f) (Special requirements for rental #substantial rehabilitation affordable housing#) or Section 23-962(g) (Special requirements for homeownership substantial rehabilitation affordable housing), as applicable.

Super's unit

A "super's unit" is, in any #generating site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

23-912

Definitions Applying to Rental Affordable Housing

The following definitions shall apply to rental #affordable housing#:

Legal regulated rent

A "legal regulated rent" is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable₁ Housing).

Maximum monthly rent

The "maximum monthly rent" is:

- (a) 30 percent of the #low income limit# for an #affordable housing unit# restricted to occupancy by #low income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (b) 30 percent of the #moderate income limit# for an #affordable housing unit# restricted to occupancy by #moderate income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (c) 30 percent of the #middle income limit# for an #affordable housing unit# restricted to occupancy by #middle income households#, divided by 12, minus the amount of any applicable #utility allowance#.

Monthly Rent

The "monthly rent" is the monthly amount charged, pursuant to paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable Housing), to a tenant in an #affordable housing unit#.

Rent stabilization

"Rent stabilization" is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, "rent stabilization" shall be defined as set forth in the #guidelines#.

Rent-up

"Rent-up" is the first rental of vacant #affordable housing units# on or after the #regulatory agreement date#, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, "rent-up" shall have the same meaning as #regulatory agreement date#.

Rent-up date

The "rent-up date" is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "rent-up date" is the #regulatory agreement date#.

Supportive housing project

A "supportive housing project" is a non-profit institution with sleeping accommodations as specified in Section 22-13 (Use Group 3), where:

- (a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#; and
- (b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and
- (c) such #generating site# is not a #compensated development#.

Supportive housing unit

A "supportive housing unit" is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

Utility allowance

A "utility allowance" is a monthly allowance set by $\frac{1}{7}$ #HPD# for the payment of utilities where the tenant of

an #affordable housing unit# is required to pay all or a portion of the utility costs with respect to such #affordable housing unit# in addition to any payments of #monthly rent#.

23-913

Definitions Applying to Homeownership Affordable Housing

The following definitions shall apply to #homeownership affordable housing#, where #homeownership# is as defined in this Section 23-913:

Appreciated price

The “appreciated price” for any #homeownership affordable housing unit# is the product of the #sale# or #resale# price of such #homeownership affordable housing unit# on the previous #sale date# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

Appreciation cap

The “appreciation cap” is the #resale# price at which the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid by the #homeowner# would be equal to 30 percent of:

- (a) 125 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or
- (b) 175 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or
- (c) 200 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

Appreciation Index

The “appreciation index” is 100 until August 1, 2010. On or after August 1, 2010, the #appreciation index# shall be a number greater than 100, representing the cumulative increase in #resale# price of a #homeownership affordable housing unit# permitted pursuant to the annual rates of increase established by #HPD#.

#HPD# shall set the annual rate of increase at the same rate as the percentage change in the Consumer Price Index for all urban consumers, as defined by the U.S. Bureau of Labor Statistics, for the twelve months ended on June 30 of that year, plus one percent per year, but the annual rate of increase shall be no less than one percent per year. #HPD# shall adjust the Consumer Price Index component of the #appreciation index# on August 1 of each calendar year, commencing on August 1, 2010, based on the percentage change in the Consumer Price Index for the twelve months ended on June 30 of that calendar year. For a fraction of a year, the components of the #appreciation index# shall be set as specified in the #guidelines#. #HPD# may adjust the methodology for calculating the #appreciation index# not more than once every two years in accordance with the #guidelines#.

Commencement date

The "commencement date" is the date upon which #sales# for a percentage of #homeownership affordable housing units# in a #generating site# set forth in the #guidelines# have been completed, except that, where one or more #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "commencement date" is the #regulatory agreement date#.

Condominium Association

A “condominium association” is an organization of condominium #homeowners#, with a form of governance specified in the #guidelines#, that manages the common areas and #capital elements# of a #generating site#.

Cooperative corporation

A “cooperative corporation” is any corporation organized exclusively for the purpose of providing housing accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

Down Payment

The “down payment” is a payment that is not secured by any form of debt, made on or before the #sale date# by the #eligible buyer# approved by the #administering agent# to purchase an #homeownership affordable housing unit#.

Eligible Buyer

An “eligible buyer” is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall:

(a) except in the case of #succession#:

- (i) be, at the time of application for an initial #sale#, a #low income household#, #moderate income household#, or #middle income household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income. However, for a #household# that resided on a #generating site# on the date of submission of an #affordable housing plan#, #HPD# may waive the requirement that housing costs be not less than 25 percent of such #household#'s income;
- (ii) be, at the time of application for a #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, or #middle income households#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income;
- (iii) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#. However, #HPD# may waive this requirement for a #household# that resided on a #generating site# on the date of submission of an #affordable housing plan# to #HPD#;
and
- (iv) meet such additional eligibility requirements as may be specified in the #guidelines#.

(b) in the case of #succession#:

- (i) be, at the time of application, a #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #imputed mortgage payments#, utilities and property taxes for the subject #homeownership affordable housing unit# is not less than 25 percent of such #household's# income;
and
- (ii) meet such additional eligibility requirements as may be specified in the #guidelines#.

A #grandfathered tenant# is not an #eligible buyer# unless such #grandfathered tenant# has been certified by the #administering agent# to have an annual income at or below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #homeownership affordable housing unit#.

Family Member

“Family member” shall have the meaning set forth in the #guidelines#.

Homeowner

A “homeowner” is a person or persons who:

- (a) owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#, or
- (b) owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

Homeownership

“Homeownership” is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a #cooperative corporation# pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized sublettor pursuant to the #guidelines#.

Imputed mortgage payment

An “imputed mortgage payment” is the maximum #mortgage payment# at prevailing interest rates for a qualifying #mortgage# that could be paid to purchase a #homeownership affordable housing unit# at the #maximum resale price#, calculated in accordance with the #guidelines#.

Initial price

The “initial price” is the price at which a #homeownership affordable housing unit# may be offered for #sale# for the first time pursuant to a #regulatory agreement#.

Maximum resale price

The #maximum resale price# for a #homeownership affordable housing unit# is the lesser of the #appreciated price# or the #appreciation cap# for such #homeownership affordable housing unit#.

Monthly Fees

The “monthly fees” are any payments charged to a #homeowner# by a #cooperative corporation# or #condominium association# to provide for the reimbursement of the applicable #homeownership affordable housing unit#'s share of the expenses of such #cooperative corporation# or #condominium association# as permitted by the #regulatory agreement#.

Mortgage

An “mortgage” is a mortgage loan, or a loan to purchase shares in a #cooperative corporation#, that has been approved by the #administering agent# and that has a fixed rate of interest, a term of at least 30 years at every #sale# and #resale#, a value not exceeding 90 percent of the #sale# price of such #homeownership affordable housing unit# at the time of the initial #sale# or 90 percent of the #maximum resale price# of such #homeownership affordable housing unit# at any time after the initial #sale#, and that is otherwise in compliance with the #guidelines#.

Mortgage Payment

The “mortgage payment” is any monthly repayment of principal and interest on a #mortgage#.

Resale

A “resale” is any transfer of title to a condominium #homeownership affordable housing unit# after the first #sale# or any transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# after the first #sale#.

Sale

A “sale” is the first transfer of title to a condominium #homeownership affordable housing unit# or the first transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an

#homeownership affordable housing unit# on or after the #regulatory agreement date#.

Sale date

A “sale date” is the date of the #sale# or #resale# of any #homeownership affordable housing unit#. However, for #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# occupied by #grandfathered tenants# on the #regulatory agreement date#, the initial #sale date# shall be the #regulatory agreement date#”.

Succession

“Succession” is a #resale# from a #homeowner# to a #family member# of such #homeowner#.

23-92

General Provisions

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and thus to promote the general welfare. The requirements of this program are set forth in this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

23-93

Applicability

23-931

Lower income housing plans approved prior to (date of enactment)

Any #lower income housing plan#, as defined by Section 23-93 of this Resolution prior to (date of enactment), that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95(e), as such Section existed prior to (date of enactment), shall be governed solely by the regulations in effect prior to (date of enactment) unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, Sections 23-954(b) and (c) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after (date of enactment).

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 of this Resolution prior to (date of enactment), provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to (date of enactment), except as provided in this Section. Where such a #compensated development# is located in an R10 district outside of #Inclusionary Housing designated areas#, the provisions of Section 23-951 (Floor area compensation in R10 districts other than Inclusionary Housing designated areas) shall not apply, and paragraph (a) of Section 23-94 (Floor Area Compensation) as such section existed prior to (date of enactment) shall apply;

Any #lower income housing plan#, as such term was defined prior to (date of enactment), that has been approved by #HPD#, prior to such date and any legal document related thereto, may be modified by #HPD#, to apply the provisions of Section 23-961(b) (Monthly Rent) to such #lower income housing plan#.

23-932

R10 Districts

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of Section 23-952. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of Section 23-951 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

23-933

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in #inclusionary housing designated areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

#Inclusionary Housing designated areas# are listed in Appendix A of this Chapter.

23-94

Methods of Providing Affordable Housing

- (a) #Affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#.
- (b) When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.
- (c) The amount of #affordable floor area# in any #generating site# shall be determined based upon plans for such #generating site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential# uses. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the guidelines.
- (d) The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site# shall be determined in the same manner as the calculation of #affordable floor area#.
- (e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

23-95

Floor Area Compensation

Compensated Zoning Lots

23-941951

Floor area compensation in R10 districts other than Inclusionary Housing designated areas

The #residential floor area ratio# of a #compensated zoning lot development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if ~~the developer~~ of such #compensated zoning lot development# provides #lower income affordable housing# that is restricted to #low income floor area# pursuant to Section 23-95 (Lower Income Housing Requirements).

For each square foot of #floor area# provided for #lower income a type of #affordable housing# listed in Column A and which meets the requirements set forth in Section 23-95, the #floor area# of the #compensated zoning lot development# may be increased by the number of square feet set forth in Column B. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

Column A	Column B
On-site Without #public funding#:	
#New Construction Affordable Housing# or #Substantial Rehabilitation Affordable Housing#	3.75
Without #public funding#:	
#Preservation Affordable Housing#	2.0
With #public funding#:	
#New Construction Affordable Housing#, #Substantial Rehabilitation Affordable Housing# or #Preservation Affordable Housing#	1.25
<hr/>	
On-site Substantial Rehabilitation	3.2
<hr/>	
Off-site New Construction (Private Site)	4.0
<hr/>	
Off-site New Construction (Public Site)*	2.5
<hr/>	
Off-site Substantial Rehabilitation (Private Site)	3.7
<hr/>	

*—— Public sites are those made available for this program by a public agency at nominal cost.

Each structure erected and recorded as a separate #building# at the Department of Buildings as of January 1, 1987, may be considered individually in determining if #lower income housing# provided pursuant to this program shall be considered as substantial rehabilitation or preservation.

23-9452

Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in ~~the #Inclusionary Housing designated areas# set forth in Section 23-922, except within Waterfront Access Plan BK 1 and in R7-3 Districts within Community District 1, Borough of Brooklyn .~~

(a) Maximum #residential floor area ratio#

The #residential floor area# of a #development# or #enlargement# #zoning lot# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased on a #compensated zoning lot# by ~~one and one quarter~~ 1.25 square feet for each square foot of #low income floor area# provided for #lower income-, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income low income floor area# required to receive such ~~bonus~~ #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in on the #building compensated zoning lot#. ~~In addition, the following rules shall apply:~~

District	Base #floor area ratio#	Maximum #floor area ratio#
<u>R6B</u>	<u>2.0</u>	<u>2.2</u>
R6*	2.2	2.42

R6**, <u>R6A, R7-2*</u>	2.7	3.6
R6A	2.7	3.6
R6B	2.0	2.2
R7A, <u>R7-2**</u>	3.45	4.6
R7D	4.2	5.6
R7X	3.75	5.0
R8, R8A	5.40	7.2
R9	6.0	8.0
R9A	6.5	8.5
R10	9.0	12.0

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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).~~

23-953
Special floor area compensation provisions in specified areas

~~(a)~~ Optional provisions for #general large-scale developments# in C4-6 or C5 Districts

Within a #general large-scale development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph ~~(a)(d)~~, inclusive, modify the provisions of paragraphs ~~(a) and (c)~~ of this Section, Section 23-93 (Definitions) and Section 23-95 (Lower Income Housing Requirements)952 (In inclusionary housing designated areas):

- (1) For the purposes of this paragraph, ~~(d)~~, inclusive, the definitions of #moderate income household# and #fair rent# in Section 93-231 (Definitions) shall apply.

~~“Moderate income housing” shall be defined as #standard units# occupied or to be occupied by #moderate income households#, and~~ “middle income housing” shall be defined as #standard

units# occupied or to be occupied by #middle income households#. #Moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of the definition of #lower income housing plan# in Section 23-93.

(2) The #residential floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the table in Section 23-942, except that the #floor area# of a #development# or #enlargement# may be increased up to the maximum #floor area ratio# specified in the table in 23-942, as follows:

- (i) the #floor area# of a #development# or #enlargement# may be increased by one and one quarter square feet for each square foot of #floor area# provided for #lower income housing#;
- (ii) the #floor area# of a #development# or #enlargement# may be further increased by 0.833 square feet for each one square foot of #moderate income floor area# provided for #moderate income housing#, or by 0.625 square feet for each one square foot of #middle income floor area# provided for #middle income, provided that for each square foot of such #floor area compensation# increase pursuant to this paragraph, (d)(2)(ii), there is one square foot of #floor area compensation# increase pursuant to paragraph (d)(2)(i) of this Section 23-952;
- (iii)(2) However, the amount of #affordable lower income housing# #moderate income housing# and #middle income housing# required to receive such bonus #floor area compensation# need not exceed the amounts specified in this paragraph (da)(2)(iii). If #affordable housing# is provided for both #low income and #moderate income housing# and #lower income housing# are provided households#, the amount of #moderate income housing floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower #low income housing floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income housing households# and #lower income housing# are provided households#, the amount of #middle income housing floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower income #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph (a), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

- (3) — The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements), except that:
 - (i) — the provisions of paragraphs (a), (b) and (c)(i) of Section 93-233 shall apply; and
 - (ii) — #moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of Sections 23-951, 23-952 and 23-953.

(b) Special provisions apply to #compensated zoning lots#:

- (1) Within R6 and R8 districts in Waterfront Access Plan BK-1 and R7-3 Districts within Community District 1, Borough of Brooklyn, as set forth in Section 62-352.
- (2) Within the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

23-954

Additional requirements for compensated developments

(a) Height and setback in #inclusionary housing designated areas#

- (1) In #inclusionary housing designated areas#, except within #Special Mixed Use Districts#, the #compensated development# must comply with 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 #Inclusionary Housing designated areas# within #Special Mixed Use Districts#, the #compensated development# must comply with the provisions of 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, where the #residence district# designation is an R6 District without a letter suffix, the #compensated development# must comply with the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

(b) Compensated Development Building Permits

- (1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# based on the #affordable housing# described in such #permit notice#.
- (2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of (i) the #regulatory agreement date#, or (ii) the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development#.

(c) Compensated Development Certificates of Occupancy

- (1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation#. However, where any #story# of a #compensated development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.
- (2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# unless:
 - (i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked, or
 - (ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

23-956

Lower Income Housing Requirements for Generating Sites

To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing#

for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Sections 23-951, 23-952 and 23-953, and such #lower income housing# must meet each of the following requirements:

(a) — Standards

All #lower income housing# shall be in #standard units#. Except in #buildings# in which all #standard units# are occupied by #lower income housing#, the #floor area# devoted to #lower income housing# shall be considered only the #floor area# within the perimeter walls of the #standard units# of the #lower income housing# and a pro-rata share of the common areas of the #building# exclusive of those common areas for which a fee is charged to #lower income households# for its use. In #buildings# in which all of the #standard units# are occupied by #lower income housing#, all of the #residential floor area# shall be considered as devoted to #lower income housing#.

(b) — Tenant selection

All incoming households of #standard units# in #lower income housing# must be #lower income households#.

Sublessees of a #lower income household# must also be #lower income households#. The #administering agent# shall verify the income of such sublessee households prior to their occupancy of the #lower income housing#, to assure that such households are #lower income households#.

On and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty:

- (1) — to maintain in a habitable condition all #lower income housing#; and
- (2) — to rent such housing to #lower income households#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower income households# or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(c) — Rent levels

All #standard units# in #lower income housing# shall be rented at #fair rents#. The total average annual rent for all #lower income housing# approved pursuant to a #lower income housing plan# shall not exceed an amount equal to the reasonable maintenance, operation, administration and contingency costs for such year as determined by the Commissioner of the Department of Housing Preservation and Development.

(d) — Income verification

Prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower income households#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower income households#.

(e) — Lower income housing plan

A #lower income housing plan# acceptable to the Commissioner of Housing Preservation and Development shall be prepared and followed by the developer.

Such plan shall include the building plans, indicate the #floor area# devoted to #lower income housing# and shall demonstrate the feasibility of creating and maintaining the specified #lower income housing# required in accordance with the Inclusionary Housing program, including demonstrating that:

- (1) — the #lower income housing# will be managed and operated by a responsible #administering agent#;
- (2) — there will be sufficient income to provide for adequate maintenance, operation and administration of the #lower income housing#; and
- (3) — tenant selection will be on an equitable, non-discriminatory basis and achieves a reasonable range of tenant incomes within the permitted income levels and rent levels established pursuant to this program.

A restrictive declaration, satisfactory to the Commissioner of Housing Preservation and Development, shall be recorded against the #zoning lot# on which the #lower income housing# is constructed and shall set forth the obligations, running with such #zoning lot#, of the owner and all its successors in interest to provide #lower income housing# in accordance with the #lower income housing plan#. The #lower income housing plan# shall be incorporated by reference into the restrictive declaration, and attached as an exhibit thereto.

No later than the date on which a #lower income housing plan# is first submitted to the Department of Housing Preservation and Development, a copy of the plan shall be submitted to the affected Community Board(s). Such Community Board(s) shall have 45 days to review said plan. No #lower income housing plan# shall be accepted by the Commissioner of Housing Preservation and Development during the Community Board review period.

A copy of any #lower income housing plan# that is accepted by the Commissioner of Housing Preservation and Development within 24 months of May 21, 1987, shall be furnished by the developer to the Department of City Planning immediately after such acceptance.

(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 #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 #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. 28 However, in #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.

(h) — ~~Obligations for life of increased #floor area#~~

~~The obligation to provide a specified amount of #lower income housing# shall run with the #zoning lot# containing such #lower income housing# for the life of the increased #floor area# of the #compensated development#. In the event any portion of such housing is damaged or destroyed, no #floor area# may be replaced on said #zoning lot# unless such #floor area# contains the specified amount of #lower income housing#.~~

(i) — ~~Single #building# for #lower income housing#~~

~~Any #building# may contain #lower income housing# that satisfies the requirements of this program for more than one #compensated development#, provided that no #floor area# in the #lower income housing# is counted more than once in determining the amount of increased #floor area# for #compensated developments#.~~

(j) — ~~Subsequent compensation~~

~~The Commissioner of Housing Preservation and Development may certify that a #lower income housing plan# is in compliance with the requirements of this program and that #lower income housing# is in compliance with said plan prior to the filing of plans for a #compensated development#. #Developments# may subsequently be compensated with additional #floor area# under this program for such #lower income housing#.~~

(k) — ~~Applicability to rent regulation~~

~~Notwithstanding the provisions herein, no provision shall be applicable to tenants occupying units subject to the rent stabilization law or the rent control law, if such provision would be inconsistent with the rights of such tenants.~~

~~To provide for the effective implementation of the Inclusionary Housing program, guidelines consistent with and in furtherance of the purposes and intent of such program shall be adopted, and may be modified, as follows:~~

~~The Commissioner of Housing Preservation and Development shall develop guidelines for #lower income housing plans#, in consultation with the Board of Estimate, which shall be submitted to the Board of Estimate in time for consideration by the Board at its next regular meeting following the adoption of this Section. Such guidelines shall take effect as submitted, unless modified by the Board at the next meeting following such meeting, in which case the guidelines shall take effect as modified. The guidelines may be modified from time to time by the Commissioner of Housing Preservation and Development, provided, however, that the Commissioner of Housing Preservation and Development shall, within one year of initial adoption of the guidelines, submit the then-existing guidelines to the Board, and the Board may, within thirty days of the first regular meeting following submission, modify such guidelines. If the Board does not modify such guidelines as herein provided, the then-existing guidelines shall continue in effect. Thereafter, the Board may, not more frequently than once a year, request the Commissioner of Housing Preservation and Development to submit the then-existing guidelines to the Board.~~

~~The Board may, within thirty days of the first regular meeting following submission modify such guidelines. If the Board does not modify such guidelines as herein provided, the then-existing guidelines shall continue in effect. Any plan submitted to the~~ ²⁹ ~~Commissioner of Housing Preservation and~~

~~Development under the then existing guidelines shall not be affected by any subsequent modification thereto.~~

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# contains 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 #Inclusionary Housing 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 #Inclusionary Housing 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#.~~

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 #Inclusionary Housing 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) — Rent charged to #lower income households# shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program, even though such increases may be permitted under other laws regulating maximum rent levels in these units.
- (c) — The Commissioner of Housing Preservation and Development may require any improvements to the #building# or to the housing necessary to ensure that, with normal maintenance, the #lower income housing# will continue to provide a decent, safe and sanitary living environment for the life of the increased #floor area# in the #compensated development#.
- (d) — The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area# in the #compensated development#.
- (e) — The developer of a #compensated development# must demonstrate to the satisfaction of the Commissioner of Housing Preservation and Development that, for three years prior to the submission of the #lower income housing plan#, no harassment occurred that resulted in removal of previous tenants of units proposed to become #lower income housing# preserved pursuant to this Section.

#Affordable housing# in a #generating site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.

(a) Location of Generating Site and Compensated Zoning Lot

Where a #generating site# is not located within the #compensated zoning lot# for which it generates #floor area compensation#:

- (1) the #generating site# and the #compensated zoning lot# shall be located within the same Community District; or
- (2) the #generating site and the #compensated zoning lot# shall be located in adjacent Community Districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#.

However, special rules for the location of a #generating site# and a #compensated zoning lot# apply in Community District 1, Borough of Brooklyn, where the provisions of paragraph (a)(2) shall apply only to adjacent Community Districts located in the Borough of Brooklyn; in the 31 #Special Clinton District#, pursuant to the provisions of

Section 96-21 (Special Regulations for 42nd Street Perimeter Area); in the #Special Downtown Jamaica District#, pursuant to the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, pursuant to the provisions of Section 125-22 (Newtown Creek Subdistrict).

(b) Distribution of Affordable Housing Units

In #new construction affordable housing# or #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#:

- (1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #generating site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and
- (2) not more than one-third of the #dwelling units# and #rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not less than one-third of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#. However, on a #residential story# with fewer than three #dwelling units# or #rooming units#, only one #dwelling unit# or #rooming unit# may be an #affordable housing unit#, unless not less than one #dwelling unit# or #rooming unit# on each floor is an #affordable housing unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

(c) Bedroom Mix of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, either:
 - (i) the #dwelling units# in the #generating site# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units# in the #generating site#, other than any #super's unit#, that are not #affordable housing units#; or
 - (ii) not less than 50 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain one or more bedrooms.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that either is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section; or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction affordable housing# and #substantial rehabilitation affordable housing# are #affordable housing units#, not less than 50 percent of such #affordable housing units# shall contain two or

more bedrooms and not less than 75 percent of such #affordable housing units# shall contain one or more bedrooms. However, #HPD# may waive these requirements for any #affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.

- (3) All of the #supportive housing units# in a #generating site# shall be #affordable housing units# and shall contain such configuration as #HPD# shall require.
- (4) For purposes of this paragraph (c), inclusive, fractions equal to or greater than one-half resulting from any calculation shall be considered to be one #dwelling unit#.

(d) Size of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# shall contain not less than:
 - (i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or
 - (ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#;
or
 - (iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or
 - (iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction# or #substantial rehabilitation affordable housing# are #affordable housing units#, #HPD# may waive such square footage requirements for any #affordable housing unit# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive such square footage requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.
- (3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) Administering Agent

- (1) #HPD# shall approve each #administering agent# and may revoke such approval at any time before or during the #regulatory period#.
- (2) An #administering agent# shall be a not-for-profit entity and shall not be, or be an affiliate of, an owner or managing agent of the #generating site#, unless #HPD# approves such owner, managing agent or affiliate to serve as the #administering agent# upon a determination that either (i) the #affordable housing# is participating in a federal, state or local program that provides adequate independent means of ensuring compliance with the #regulatory agreement#, or (ii) the owner and any such managing agent or affiliate are not-for-profit entities and there are adequate safeguards to ensure that such entities comply with the #regulatory agreement#.

- (3) For a period of time specified in the #guidelines#, the #administering agent# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#. The #administering agent# shall maintain such records, and ₃³ such other records as #HPD# may require, at the offices

of the #administering agent# or at such other location as may be approved by #HPD#. The #administering agent# shall make such records, and all facets of the operations of the #administering agent#, available for inspection and audit by #HPD# upon request.

(f) Regulatory Agreement

- (1) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.
- (2) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such documentation shall include, but shall not be limited to, plans meeting the requirements of Section 23-94(c).
- (3) The #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #generating site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#.
- (4) #Affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#.
- (5) The #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings.
- (6) Where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law,
 - (i) appoint a receiver to manage such #generating site# or
 - (ii) take control of the board of directors of any housing development fund company or not-for-profit corporation that owns, controls or operates such #generating site#.
- (7) Where applicable in accordance with Section 23-96(g) (Monthly Rent), the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing Standards

Upon the date that #HPD# issues the #completion notice#, the #generating site# shall be entirely free of violations of record issued by any city or state agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in the #guidelines# with respect to non-hazardous violations in occupied #affordable housing units# of #preservation affordable housing# or #substantial rehabilitation affordable housing#.

(h) Insurance

The #affordable housing# in a #generating site# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#. Any insurance proceeds resulting from damage or destruction of all or part of the #generating site# containing such #affordable housing# shall be used first to restore any damaged or destroyed #affordable housing#, except that #HPD# may provide priority for lenders participating in the financing of #affordable housing# that is assisted under city, state or federal programs.

(i) Duration of Obligations

The obligation to provide and maintain a specified amount of #affordable housing# on a #generating site# shall run with the #zoning lot# containing such #generating site# for not less than the #regulatory period#. If any portion of such #affordable housing# is₃₄ damaged or destroyed, no #floor area# shall be

#developed#, reconstructed or repaired on such #zoning lot#, and no #development#, #enlargement#, extension or change of #use# shall occur on such #zoning lot#, unless

- (1) the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed, or
- (2) one hundred percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

(j) One Generating Site May Satisfy Requirements for Multiple Compensated Zoning Lots

Any #generating site# may contain #affordable housing# that satisfies the requirements of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, for more than one #compensated development#, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments#.

(k) Guidelines

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of this Section 23-90 (INCLUSIONARY HOUSING) , inclusive.

23-961

Additional Requirements for Rental Affordable Housing

The following additional requirements shall apply # to rental #affordable housing# on a #generating site# for the entire #regulatory period#:

(a) Tenant Selection

- (1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.
- (2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.
- (3) A #low income household# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households#, provided that the #administering agent# determines that such #low income household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.

(b) Monthly Rent

- (1) The #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent-up date# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent-up date# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD#.

- (i) However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory agreement

date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.

- (ii) The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.
- (2) The #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.
- (5) The #regulatory agreement# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to (i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount, (ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts, (iii) the nature of the tenant, or (iv) any other reason.
- (6) The #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.
- (7) The #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

- (1) Each #affordable housing unit# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#.
- (2) The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household# or #middle income household#, as applicable.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an

affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.

- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(d) Affordable Housing Plan

- (1) An #affordable housing plan# shall designate the initial #administering agent#, include the agreement with the initial #administering agent#, state how #administering agents# may be removed, state how a new #administering agent# may be selected upon the removal or other departure of any #administering agent#, include the building plans, state the number and bedroom mix of the #affordable housing units# to be #developed#, rehabilitated or preserved, indicate how tenants will be selected at #rent-up# and upon each subsequent vacancy of an #affordable housing unit#, indicate how the #household# income of each prospective tenant will be verified prior to such #household#'s #initial occupancy# of an #affordable housing unit# and include such additional information as #HPD# deems necessary.

- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #affordable housing# in accordance with this Section 23-90 (INCLUSIONARY HOUSING), inclusive, including that:

- (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
(ii) #affordable housing units# will be leased to eligible #households# by a responsible #administering agent# at #rent-up# and upon each subsequent vacancy; and
(iii) tenants will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.

- (3) A copy of any proposed #affordable housing plan# shall be delivered to the affected Community Board, which may review such proposal and submit comments to #HPD#. #HPD# shall not approve a proposed #affordable housing plan# until the earlier of:

- (i) the date that the affected Community Board submits comments regarding such proposal to #HPD# or informs #HPD# that such Community Board has no comments, or

- (ii) 45 days from the date that such proposal was submitted to the affected Community Board.

(e) Special requirements for rental #preservation affordable housing#

The following additional requirements shall apply to rental #preservation affordable housing#:

- (1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;

- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of ₃7#capital elements#, the #affordable housing units# will

- provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
 - (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
 - (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(f) Special requirements for rental #substantial rehabilitation affordable housing#

The following additional requirements shall apply to rental #substantial rehabilitation affordable housing#:

- (1) such #affordable housing# shall be created through the rehabilitation of a #generating site# at a cost per completed #affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

23-962

Additional Requirements for Homeownership Affordable Housing

The following additional requirements shall apply to #homeownership affordable housing# on a #generating site# for the entire #regulatory period#:

(a) Homeowner Selection

- (1) Upon #sale# #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households# and #middle income households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers#

at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.

- (2) A #homeowner# may, with the prior approval of the #administering agent#, sublet an #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, or #eligible buyer#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.
- (3) A #homeowner# shall reside in the #homeownership affordable housing unit# except as provided in paragraph (a)(2) of this Section.
- (4) The restrictions in this Section 23-962(a) on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a #homeownership affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this Section 23-962(a) and the #guidelines#.

(b) Price

- (1) The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in section 23-913 (Definitions Applying to Homeownership Generating Sites).
- (2) The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#. #HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30 percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable.
- (3) Prior to any #resale# of an #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.
- (4) The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment# as specified in the #guidelines#.
- (5) An #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.

(c) Income

- (1) The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household# or #middle income household#, as applicable, and that upon #resale#, it is an #eligible buyer#.
- (2) The #administering agent# shall meet reporting requirements on each #sale and #resale# as set forth in the #guidelines#.
- (3) Each year after the #commencement date#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of an #homeownership affordable housing unit# during the preceding year complied with all applicable requirements on the #resale date#.

(d) Affordable Housing Plan

- (1) An #affordable housing plan# shall include the building plans, state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, rehabilitated or preserved, indicate how #homeowners# will be₃₉ selected upon each #sale# or #resale# of a

- #homeownership affordable housing unit#, indicate how the #household# income of #eligible buyers# will be verified prior to such #household's initial occupancy# of a #homeownership affordable housing unit# and include such additional information as #HPD# deems necessary.
- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #homeownership affordable housing#, including that:
- (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
 - (ii) #affordable housing units# will be sold under the supervision of a responsible #administering agent# to #eligible buyers# at each #sale# and #resale#; and
 - (iii) #homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) The requirements of Section 23-961(d)(3) shall apply.

(e) Housing Standards

The requirements of Section 23-96(g) shall apply. In addition, each #homeowner# shall be obligated to maintain each #homeownership affordable housing unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the #guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

(f) Special requirements for #homeownership preservation affordable housing#.

The following additional requirements shall apply to #homeownership preservation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #residential building#.
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(g) Special requirements for #homeownership substantial rehabilitation affordable housing#.

The following additional requirements shall apply to #homeownership substantial rehabilitation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building#;
- (2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at

- a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (3) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
 - (4) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
 - (5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
 - (6) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
 - (7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

* * *

APPENDIX A
INCLUSIONARY HOUSING DESIGNATED AREAS

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix A. The #residence districts# listed for such areas shall include #commercial districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

- (a) In Community District 1, in the Borough of Brooklyn, Waterfront Access Plan BK-1, as set forth in Section 62-352, and the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

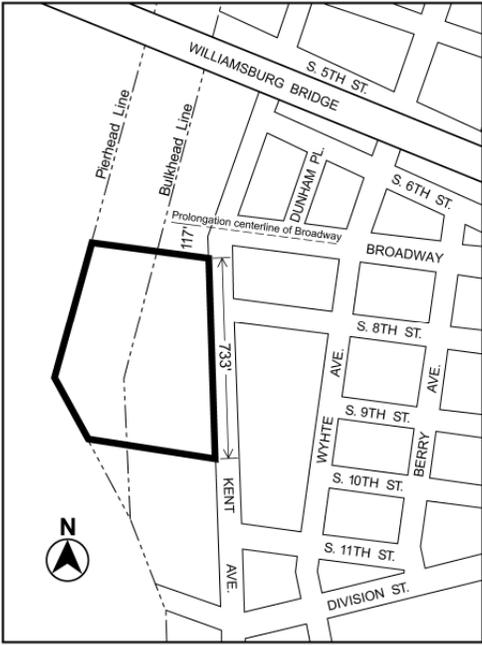


Map 1
Portion of Community District 1, Brooklyn



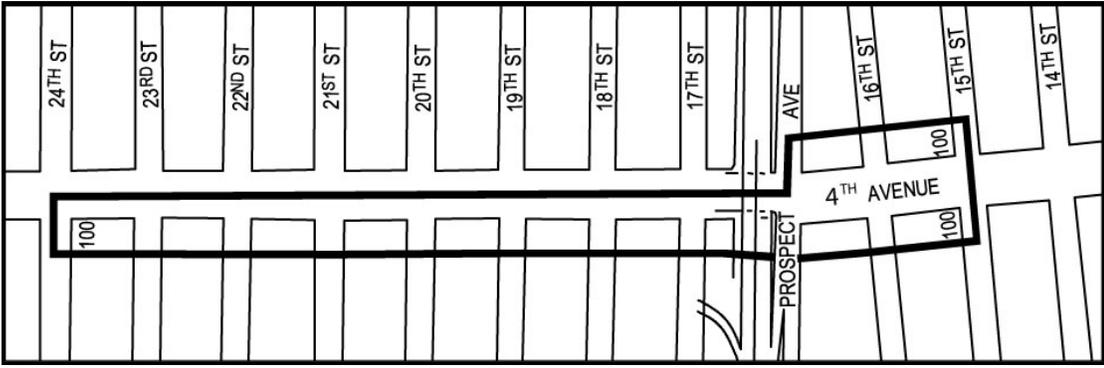
Map 2
Portion of Community District 1, Brooklyn

(b) In Community District 1, in the Borough of Brooklyn, the R7-3 Districts within the area shown on the following Map 3:



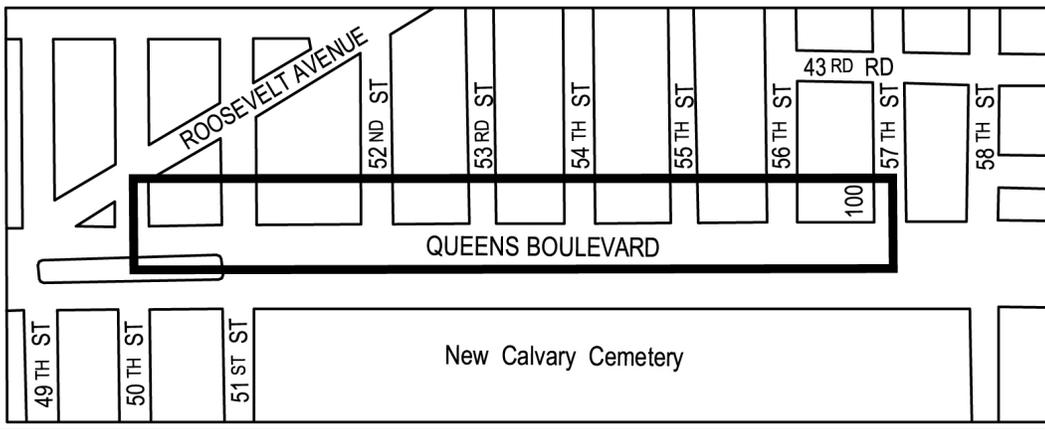
Map 3
Portion of Community District 1, Brooklyn

(c) In Community District 7, in the Borough of Brooklyn, the R8A District within the area shown on the following Map 4:

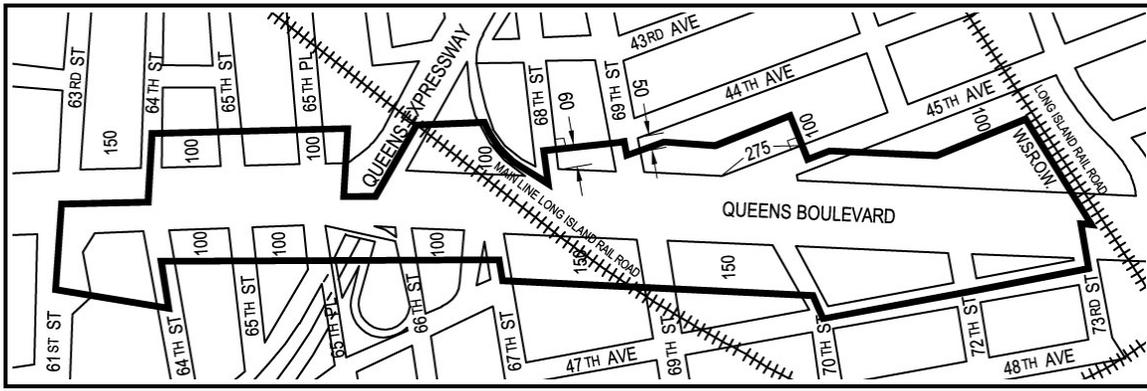


Map 4
Portion of Community District 7, Brooklyn

(d) In Community District 2, in the Borough of Queens, the R7X Districts within the areas shown on the following Maps 5 and 6:

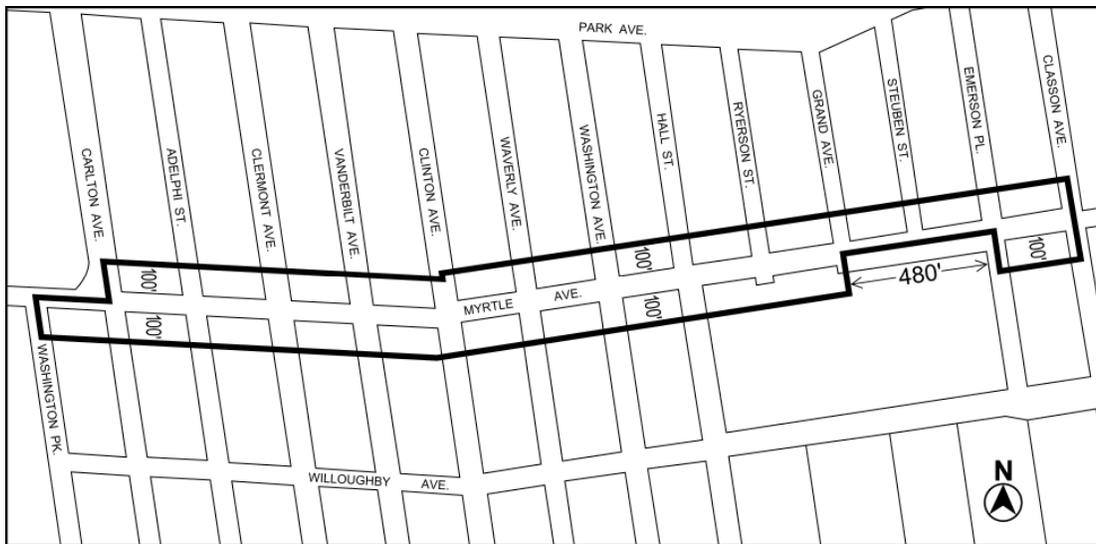


Map 5
Portion of Community District 2, Queens



Map 6
Portion of Community District 2, Queens

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

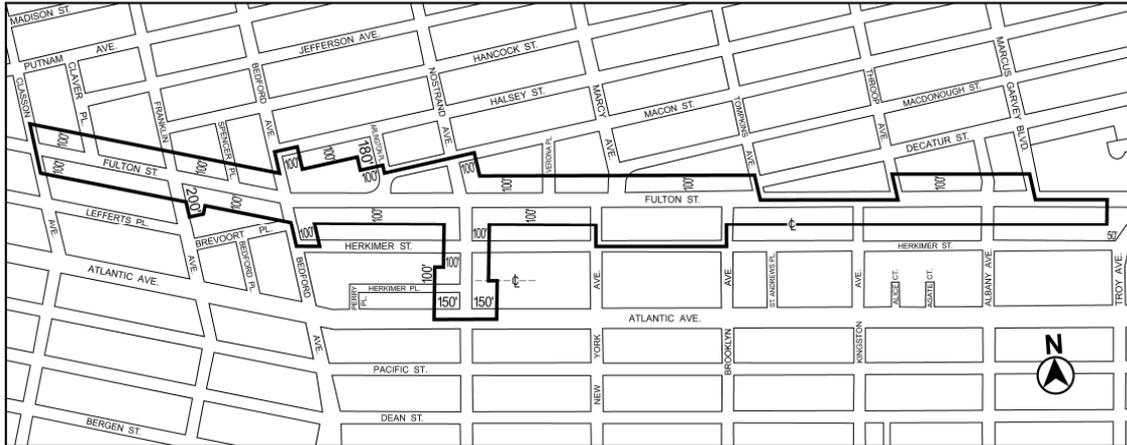


Map 7
Portion of Community District 2, Brooklyn

Map 10

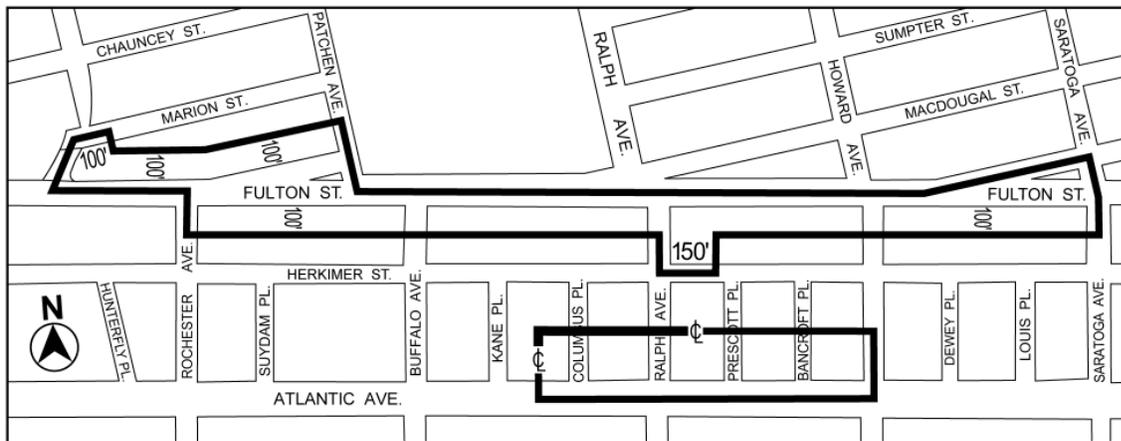
Portion of Community District 7, Manhattan

(g) In Community District 3, in the Borough of Brooklyn, the R7D Districts within the areas shown on the following Maps 11 and 12:



MAP 11

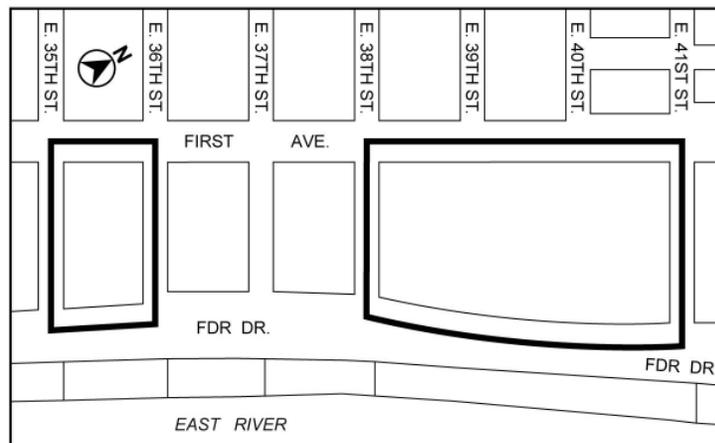
Portion of Community District 3, Brooklyn



MAP 12

Portion of Community District 3, Brooklyn

(h) In Community District 6, in the Borough of Manhattan, the R10 Districts within the areas shown on the following Map 13:



MAP 13

Portion of Community District 6, Manhattan

(i) In Community District 3, in the Borough of Manhattan, the R7A, R8A and R9A Districts within the areas shown on the following Map 14:



Map 14

Portion of Community District 3, Manhattan

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within the special purpose district:

- (1) Special Hudson Yards District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (2) Special West Chelsea District – see Section 98-26 (Modifications of Inclusionary Housing Program)
- (3) Special Downtown Jamaica District – see Section 115-211 (Special Inclusionary Housing Regulations)
- (4) Special 125th Street District – see Section 97-421 (Inclusionary Housing)
- (5) Special Long Island City Mixed Use District – see Section 117-631 (Floor area ratio and lot coverage modifications)
- (6) Special Garment Center District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (7) Special Southern Hunters Point District – see Section 125-22 (Newtown Creek Subdistrict)
- (8) Special Clinton District – see Section 96-81 (C6-3X Designated District)

* * *

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 R5D R6A R6B R7-2 R7A R7B R7D 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 ~~#Inclusionary Housing~~ designated areas ~~set forth in Section 23-922 (Inclusionary Housing designated areas)~~, except within Waterfront Access Plan BK-1; and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum ~~floor area ratio~~ permitted for ~~zoning lots~~ containing ~~community facility~~ and ~~residential uses~~ shall be the base ~~floor area ratio~~ set forth in Section 23-9542 for the applicable district. Such base ~~floor area ratio~~ may be increased to the maximum ~~floor area ratio~~ set forth in such Section only through the provision of ~~affordable housing~~ pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

~~* * *~~

**35-31
Maximum Floor Area Ratio for Mixed Buildings**

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any ~~zoning lot~~ containing a ~~mixed building~~.

The maximum ~~floor area ratio~~ permitted for a ~~commercial~~ or ~~community facility use~~ shall be as set forth in Article III, Chapter 3, 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~~. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum ~~residential floor area ratio~~ may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

In the ~~#Inclusionary Housing~~ designated areas ~~set forth in Section 23-922 (Inclusionary Housing designated areas)~~, except within Waterfront Access Plan BK-1; and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum ~~floor area ratio~~ permitted for ~~zoning lots~~ containing ~~residential~~ and ~~commercial~~ or ~~community facility uses~~ shall be the base ~~floor area ratio~~ set forth in Section 23-9542 for the applicable district. Such base ~~floor area ratio~~ may be increased to the maximum ~~floor area ratio~~ set forth in such Section only through the provision of ~~lower income~~ affordable housing pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

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 VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

~~* * *~~

**Chapter 2
Special Regulations Applying in the Waterfront Area**

~~* * *~~

**62-35
Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn**

~~* * *~~

**62-352
Inclusionary Housing**

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in R7-3 Districts in Community District 1, Borough of Brooklyn, and in R6, ~~R7D~~ and R8 Districts within Waterfront Access Plan BK-1, as modified in this Section.

- (a) Definitions

For the purposes of this Section, matter in italics is defined in Sections 12-10; or in Section 23 90 (INCLUSIONARY HOUSING), inclusive ~~or in this Section~~, as modified.

Fair rent

~~At initial occupancy of #lower income housing# that is occupied by a #moderate income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").~~

~~Upon renewal of a lease for such 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, or its successor, 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:~~

- ~~(1) — the then currently applicable "30 Percent Standard"; or~~
- ~~(2) — 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# or #moderate income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income# or #moderate income household's# income:~~

- ~~(i) — the initial #fair rent#; and~~
- ~~(ii) — 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.~~

~~However, 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 a #moderate income household's# income and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.~~

Lower income housing

~~For the purposes of this Section, "lower income housing" shall include #standard units# occupied, or to be occupied, by #lower income# or #moderate income households#.~~

Moderate income household

~~For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of 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: 125/80~~

(b) #Floor area compensation# increase

- (1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:

- (i) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or
 - (ii) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#, and the #moderate income floor area# is equal to at least 15 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #moderate income households#.
- (2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:
- (i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or
 - (ii) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#, and the amount of #moderate income floor area# is equal at least five percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #moderate income households#.

~~Where #lower# or moderate #income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households, pursuant to this Section, shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonused pursuant to this Section.~~

~~For the purposes of determining the amount of #lower income housing# required to increase the maximum permitted #floor area# pursuant to this paragraph, (b), community facility #floor area# used as a philanthropic or not for profit institution with sleeping accommodations shall be considered #residential floor area#.~~

~~For the purposes of this paragraph (b), inclusive, #low income floor area# may be considered #moderate income floor area#, and #moderate income floor area# may be considered #middle income floor area#.~~

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

(c) ~~#Lower Income Housing# Requirements~~

~~#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this paragraph, (c).~~

- (1) ~~The provisions of Section 23-95, paragraph (b), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate income households#, and sublessees of a #moderate income household# may also be a #moderate income household#.~~

~~Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to lower or #moderate income households#, as provided in this Section and in the approved #lower income housing plan#.~~

~~This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower# or #moderate income households#, as provided in this Section or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.~~

(2) — ~~The provisions of Section 23-95, paragraph (d), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower# or #moderate income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are lower or #moderate income households# as required by the provisions of this Section and in the approved #lower income housing# plan.~~

(3) — ~~The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower# or #moderate income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, Section 23-953, paragraph (a), shall be modified to provide that 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.~~

(d) — Permits and certificate of occupancy

~~The requirements of paragraphs (f) (b) and (c) of Section 23-954 shall not apply. In lieu thereof, the provisions of this paragraph (d), shall apply be modified as follows:.~~

~~No building permit for any portion of the #compensated development# that utilizes #floor area compensation# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until the #HPD Commissioner# of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.~~

~~No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# regulatory agreement# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #HPD Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations has issued a #completion notice# with respect to the #lower income affordable housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# which utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, 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 any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, the #Commissioner# of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.~~

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 3
Special Hudson Yards District**

* * *

**93-23
Modifications of Inclusionary Housing Program**

~~The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall be applicable within Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell’s Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, except as modified in this Section. However, the modifications set forth in this Section shall not be applicable in the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, where the underlying provisions of Section 23-90, (INCLUSIONARY HOUSING), inclusive, shall apply shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts.~~

**93-231
Definitions**

~~For the purposes of this Chapter, matter in italics is defined in Sections 12-10, or in Section 23-90 (INCLUSIONARY HOUSING), inclusive. the following definitions in Section 23-93 shall be modified:~~

~~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, 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.~~

~~If an entity other than a not-for-profit organization is proposed to serve as the #administering agent#, and the affected Community Board objects during its review period to the approval of the proposed entity, the Commissioner shall respond in writing to the Community Board's objections prior to approving the proposed entity to serve as #administering agent#.~~

~~Fair rent~~

~~“Fair rent” shall be as defined in Section 23-93 with respect to #standard units# occupied by #lower income households#, except that 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 a #lower income household#'s income, 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.~~

The following definition of "fair rent" shall apply to ~~#moderate income households# and #middle income households#~~. At initial occupancy of ~~#lower income housing#~~ that is occupied by a ~~#moderate income household# or a #middle income household#~~ as defined in this Section, ~~#fair rent#~~ shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such 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 "30 Percent 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#, #moderate income# or #middle income household#~~ responsible for the payment of utilities as long as the sum of the following does not exceed 30 percent of said ~~#lower income#, #moderate income# or #middle income household's#~~ income:

- ~~(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.~~

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 a ~~#moderate income# or #middle 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 30 Percent Standard or the Rent Stabilization Standard.

At initial occupancy of any ~~#lower income housing#~~ occupied by a ~~#moderate income# or #middle income household#~~, 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 paragraph (c) of Section 23-95 (Lower Income Housing Requirements), 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~~

~~#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 the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

~~Lower income housing~~

For the purposes of Section 93-23 (Modifications of Inclusionary Housing Program), inclusive, “lower income housing”, as defined in Section 23-93, shall include ~~#standard units# assisted under City, State or federal programs. #Lower income housing# shall also include #standard units# occupied or to be occupied by #lower income households#, as defined in Section 23-93, and #moderate income# or #middle income households#, as defined in this Section.~~

Moderate income household

For the purposes of Section 93-23, inclusive, a “moderate income household” is a ~~#family# having an income equal to or less than the following proportion of 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: 125/80.~~

Middle income household

For the purposes of Section 93-23, inclusive, a “middle income household” is a ~~#family# having an income equal to or less than the following proportion of 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: 175/80.~~

93-232

Floor area increase

The provisions of Section 23-94~~52~~ (Floor Area Compensation in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the ~~#floor area#~~ compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D and E) or 121-31 (Maximum Permitted Floor Area), the maximum permitted ~~#residential floor area ratio#~~ for ~~#developments#~~ or ~~#enlargements#~~ that provide #affordable housing# pursuant to the Inclusionary Housing program may be increased, as follows:

- (a) The permitted ~~#floor area ratio#~~ may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:
 - (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or
 - (2) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or
 - (3) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.
- (b) The permitted ~~#floor area ratio#~~ may be increased from 9.0 to a maximum of 12.0, provided that:
 - (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or

- (2) ~~the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or~~
- (3) ~~the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.~~

For the purposes of this Section 93-232, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

~~Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the compensated #development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such compensated #development#, inclusive of #floor area# bonused pursuant to this Section.~~

Lower income housing requirements

~~#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the lower income housing requirements of Section 23-95, except as modified in this Section.~~

(a) ~~The provisions of paragraph (b) (Tenant selection) of Section 23-95 shall apply, except that, in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#. Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.~~

~~This duty to rent shall be satisfied by the #administering agent# if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.~~

(b) ~~The provisions of paragraph (d) (Income verification) of Section 23-95 shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section and in the approved #lower income housing plan#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.~~

(c) ~~The provisions of paragraph (g) (Insurance) of Section 23-95 may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.~~

(d) ~~Permits and certificate of occupancy~~

~~The requirements of paragraph (f) of Section 23-95 shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.~~

- ~~— No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 (Floor area increase) 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 portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued, or, 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 portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, 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 any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.~~
- (e) ~~The provisions of Sections 23-951 (On-site new construction option), 23-952 (Substantial rehabilitation and off-site new construction option) and 23-953 (Preservation option) shall apply, except as follows:~~
 - ~~(i) with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b), and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#;~~
 - ~~(ii) 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 Section 23-951, paragraph (b), then the size and distribution requirements of Section 23-951, paragraph (b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#; and~~
 - ~~(iii) Section 23-953 (a) shall be modified to provide that 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#.~~

* * *

**93-90
HARASSMENT**

(a) Definitions

* * *

(16) Restrictive declaration

“Restrictive declaration” shall mean a legal instrument which:

- (i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#,
- (ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development,

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**Chapter 6
Special Clinton District**

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**96-10
PRESERVATION AREA**

* * *

**96-110
Harassment and cure**

(a) Definitions

* * *

(11) Restrictive declaration

“Restrictive declaration” shall mean a legal instrument which:

- (i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;
- (ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development. However, in the Preservation Area, paragraph (b) of Section 23-951 (On-site new construction option) shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) shall be applicable;

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**Chapter 7
Special 125th Street District**

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4/30/08

**97-42
Floor Area Bonuses**

The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to ~~Sections 97-421 and~~ 23-90 (INCLUSIONARY HOUSING), inclusive, or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

4/30/08

**97-421
Inclusionary Housing**

Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Sections 23-90 (INCLUSIONARY HOUSING), inclusive.

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**Chapter 8
Special West Chelsea District**

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**98-26
Modifications of Inclusionary Housing Program**

~~The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive are incorporated and modified wWithin the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing program regulations of Section 23-90, inclusive, applicable as modified within the Special District. as set forth in this Section, inclusive.~~

98-261

Definitions

~~For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The following definitions in Section 23-93 shall be modified:~~

~~Administering agent~~

~~The "administering agent" is not required to be a not for profit organization if the #floor area# of the #standard units# comprising the #lower income housing# constitutes less than half of the total #residential floor area# or community facility #floor area used# as a not for profit institution with sleeping accommodations in the #building#.~~

~~Fair rent~~

~~At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").~~

~~Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") shall be 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, or its successor, for units subject to the rent stabilization law.~~

~~After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# shall be not more than the higher of:~~

- ~~(a) the then currently applicable "30 Percent 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#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income:~~

- ~~(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.~~

~~However, 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 a #moderate income# or #middle 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 30 Percent Standard or the Rent Stabilization Standard.~~

~~#Fair rent# shall include, in addition to that rent permitted pursuant to Section 23-93, the payment of principal and interest on mortgage debt, and #lower income#, #moderate income# or #middle income housing# may secure such 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 paragraph (c) (Rent levels) of Section 23-95 (Lower Income Housing Requirements), 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~~

~~“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 the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.~~

~~Lower income housing~~

~~For the purposes of this Section, “lower income housing” shall include #standard units# assisted under City, State or Federal programs, where such housing is occupied, or to be occupied, by #lower income#, #moderate income# or #middle income households#.~~

~~Moderate income household~~

~~For the purposes of this Section, a “moderate income household” is a #family# having an income equal to or less than the following proportion of 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: 125/80.~~

~~Middle income household~~

~~For the purposes of this Section, a “middle income household” is a #family# having an income equal to or less than the following proportion of 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: 175/80.~~

98-262

Floor area increase

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for conversions of non-#residential buildings#, or portions thereof, to #dwelling units# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

(a) In C6-4 Districts:

- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# ~~is occupied by #lower income households#;~~
- (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, ~~is occupied by #lower income households#~~ and the amount of #moderate income floor areas equal to at least 15 percent of the total #residential floor area# on the #zoning lot# ~~is occupied by #moderate income~~ ⁵₉ households#; or

- (3) ~~the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.~~

(b) In C6-3 Districts:

- (1) ~~the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;~~
- (2) ~~the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or~~
- (3) ~~the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.~~

~~Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonused pursuant to this Section. For the purposes of this Section 98-262, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.~~

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

(c) Affordable Housing Fund

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the #development#, acquisition or rehabilitation of #lower#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

Lower income housing requirements

~~#Developments# that increase #floor area# in accordance with the provisions of Section 98-262 shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this Section.~~

~~(a) The provisions of Section 23-95, paragraph (b)60(Tenant selection), shall apply, except that in addition,~~

~~incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#.~~

~~Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.~~

~~This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.~~

~~(b) The provisions of Section 23-95, paragraph (d) (Income verification), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.~~

~~(c) The provisions of Section 23-95, paragraph (g) (Insurance), may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.~~

~~(d) Permits and certificate of occupancy~~

~~The requirements of Section 23-95, paragraph (f), shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.~~

~~No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262 (Floor area increase) 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 portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued.~~

~~Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-262, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.~~

~~(e) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-~~

951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, the size and distribution requirements of Section 23-951, paragraph (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#, and Section 23-953, paragraph (a), shall be modified to provide that 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#.

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 5
Special Downtown Jamaica District**

* * *

**115-211
Special Inclusionary Housing regulations**

(a) Applicability

R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.

(b) Maximum #floor area ratio#

The maximum #floor area ratio# for any #building# containing #residences# shall not exceed the base #floor area ratio# set forth in the following table, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Section 23-9542 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

District	Base #Floor Area Ratio#
R7A C4-4A	3.45
R7X C4-5X	3.75
R8 C6-2	5.4
R9 C6-3	6.0
R10 C6-4	9.0

(c) Modification of location requirements

The requirements of paragraph (a) of Section 23-9526 (Requirements for Generating Sites ~~Substantial rehabilitation and off-site new construction options~~) shall be modified as follows: A #Lower income housing generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.

(d) Height and setback

The height and setback regulations of paragraph (b) of Section 23-94254 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-22, inclusive, of this Chapter shall apply.

* * *

Chapter 7
Special Long Island City Mixed Use District

* * *

117-631
Floor area ratio and lot coverage modifications

- (a) In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.
- (b) Maximum #floor area ratio# and lot coverage for #residential uses#

- (1) M1-2/R5B designated district

The maximum #floor area ratio# for #residential use# shall be 1.65.

The maximum #lot coverage# for a #residential building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.

- (2) M1-3/R7X designated district

- (i) Inclusionary Housing Program

Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.

- (ii) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #building# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0 as set forth in Section 23-942 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

* * *

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

* * *

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 23-9452 (In Inclusionary Housing designated areas). The locations of such districts are specified in ~~Section 23-922 (Inclusionary Housing designated areas)~~ Appendix A of Section 23-90 (INCLUSIONARY HOUSING).

* * *

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

(a) Maximum #floor area ratio#

(1) Manufacturing or commercial portions

The maximum #floor area ratio# permitted for the #manufacturing# or #commercial# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial buildings# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) Community facility portion

The maximum #floor area ratio# permitted for the #community facility# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #community facility buildings# in #Residence Districts# under the provisions of Section 24-11, in accordance with the designated #Residence District#.

(3) #Residential# portion

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Sections 23-14 and 23-141, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Section 123-63, in accordance with the designated #Residence District#.

(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 #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas)~~, except within Waterfront Access Plan BK-1, the maximum #floor area ratios# permitted for #zoning lots# containing #residential# and #commercial#, #community facility#, or #manufacturing uses# shall be the base #floor area ratio# set forth in of Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive~~(In Inclusionary Housing designated areas)~~ shall apply.

* * *

Article XII - Special Purpose Districts

Chapter 5
Special Southern Hunters Point District

125-22
Newtown Creek Subdistrict

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

(a) #Floor area# bonus for public amenities

For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 2.75 to a maximum permitted #floor area ratio# of 3.75, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Section 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and Section 125- 45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

(b) #Floor area# increase for Inclusionary Housing

(1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23- 90, inclusive, and this Section, applicable within the Special District.

(2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:

(i) the height and setback regulations of paragraph (b~~a~~) of Section 23-94~~25~~4 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30 (HEIGHT AND SETBACK REGULATIONS), inclusive, of this Chapter shall apply; and

(ii) the provisions of paragraph (a)~~(2)~~ of Section 23- 95~~26~~6 (~~Substantial rehabilitation and off-site new construction options~~Requirements for Generating Sites) shall be modified to require that in the event the #lower income housing# is not located within the same Community District as the #compensated development#zoning lot#, it ~~is~~shall be located within a one-half mile radius of the #compensated development#zoning lot in an adjacent Community District in the Borough of Queens.

ULURP NOS. 090318 AND 090319 ARE RELATED

PRE. L.U. No.

SPECIAL COLLEGE POINT DISTRICT

QUEENS CB - 07

N 090318 ZRQ

Application submitted by the Economic Development Corporation pursuant to Section 201 of the New York City Charter for amendments of the Zoning Resolution of the City of New York, concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections.

Matter underlined is new, to be added;

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

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

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

* * *

11-12

Establishment of Districts

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

* * *

12-10

DEFINITIONS

* * *

Special Clinton District

The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply. The #Special Clinton District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

Special College Point District

The "Special College Point District" is a Special Purpose District designated by the letters "CP" in which special regulations set forth in Article XII, Chapter 6, apply. The #Special College Point District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

* * *

All text is new; it is not underlined

Article XII - Special Purpose Districts

Chapter 6

Special College Point District

126-00

GENERAL PURPOSES

The "Special College Point District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) encourage and retain high performance manufacturing establishments in New York City;
- (b) maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and
- (c) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

126-01

General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

126-02

District Plan and Map

The District Map is located within Appendix A of this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

126-03

Applicability of Article I, Chapter 1

Within the #Special College Point District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

126-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-11

Recreational Uses

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following uses as-of-right within the #Special College Point District#:

From Use Group 4A:
Non-commercial recreation centers

From Use Group 4B:
Golf courses

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential zoning lots#.

#Public parks#, playgrounds or private parks

From Use Group 4C:
#Accessory uses#

126-12

Performance Standards

Section 42-20 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

126-13

Enclosure Regulations

The following provisions supersede Sections 42-41 (Enclosure of Commercial or Manufacturing Activities) and 42-42 (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-Street Loading Berths).

126-131

Special enclosure regulations for specific uses previously prohibited under the former College Point Urban Renewal Plan

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed building#:

From Use Group 17 A:
Produce or meat markets, wholesale

From Use Group 18A:
Incineration or reduction of garbage, offal or dead animals
Radioactive waste disposal services involving the handling or storage of radioactive waste
Sewage disposal plants
Stock yards or slaughtering of animals or poultry
Dumps, marine transfer stations for garbage or slag piles
Electric power or steam generating plants

From Use Group 18B:

Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments

Scrap metal, junk, paper or rags storage, sorting, or baling

All #commercial# or #manufacturing uses# specified in this Section 126-131 shall be permitted, provided the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board and Borough President for review and comment for a period of no less than 45 days prior to such certification.

126-132

Enclosure regulations in the M1-1 district

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-133

Enclosure regulations in the M2-1 district near residence districts

All #uses#, except storage of materials or products, within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-134

Enclosure of storage in the M1-1 district near residence districts

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

126-135

Screening of storage in the M2-1 district near residence districts

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

- (a) shall not be located within a #front yard#;
- (b) shall be maintained in good condition at all times; and
- (c) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs) and Section 126-14 (Sign Regulations), inclusive.

126-136

Screening of storage

At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening provided pursuant to paragraphs (a) or (b):

- (1) shall not be located within a #front yard#;
- (2) shall be maintained in good condition at all times;
- (3) may be interrupted by normal entrances or exits; and
- (4) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs) and Section 126-14 (Sign Regulations), inclusive.

126-14

Sign Regulations

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, and no #signs# shall be permitted on the roof of any #building#.

126-141

Special sign regulations in the M2-1 district

In the M2-1 District, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

- (a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of 8 feet, and shall not extend to a height greater than 20 feet above #curb level#; and
- (b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.

126-20

SPECIAL BULK REGULATIONS

The #bulk# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-21

Street Tree Planting

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is converted from a #manufacturing use# to a #commercial# or #community facility use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

126-22

Floor Area Ratio

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0.

However, within the M2-1 District south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway,

the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district.

126-23

Modification of Yard Regulations

126-231

Minimum required front yards

#Front yards# shall be provided with a depth of 15 feet, except for:

- (a) #zoning lots# with frontage along the Whitestone Expressway, where #front yards# shall be provided with a depth of 20 feet; and
- (b) #corner lots#, where one front yard may have a depth of 10 feet.

126-232

Minimum required side yards

#Side yards# shall be provided with a width of 10 feet.

126-233

Special provisions along district boundaries

The following regulations shall supplement the provisions of Section 43-30 (Special Provisions Applying along District Boundaries).

- (a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #residence district#.
- (b) Within the areas depicted on the Special College Point District Map as 60-foot buffer areas, an open area not higher than #curb level# and at least 60 feet wide, or where such open area is adjacent to a #street#, a #front yard# not higher than #curb level# at least 60 feet in depth, shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.
- (c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that paragraph (b) of Section 126-136 shall not be a permitted form of screening.

126-234

Planting requirement in front yards

#Front yards# shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

126-235

Storage of materials within yards

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

126-24

Height and Setback Regulations

Within the #Special College Point District#, the height and setback regulations of an M1-1 district shall apply.

However, within the M2-1 district south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway, the height and setback regulations shall be as permitted in the underlying district.

126-30

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

126-31

Parking Regulations

- (a) #Accessory# off-street parking shall not be permitted within a required #front yard#.
- (b) The provisions of Section 44-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial uses# shall be modified as follows:

Hotels, for the #floor area# used for sleeping accommodations shall be required to provide one parking space per two guest rooms or suites, and for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios shall be required to provide one parking space per four persons rated capacity

Places of Assembly, for #uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit, shall be required to provide one parking space per four persons rated capacity

- (c) For #commercial uses# within the Commercial Areas identified on the Special College Point District Map, the parking requirements of a C4-1 district shall apply.
- (d) Section 37-90 (Parking Lots) shall apply to all #developments# and #enlargements#, as defined in that Section, that provide an open parking area #accessory# to #manufacturing uses# in Use Group 17. Perimeter landscaping required pursuant to Section 37-921 may overlap with required #yards# provided pursuant to Section 126-23 (Modification of Yard Regulations).
- (e) The provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on (date of adoption) and on the date of application for a building permit.

126-32

Loading Regulations

- (a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#. However, the City Planning Commission may authorize off-street loading berths located between a #street wall# and a #street line#, provided that the Commission finds that such loading berths can not be located elsewhere on the #zoning lot# and that such loading berths shall be enclosed or screened to the greatest extent practicable.
- (b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section 44-585 (Screening).

126-33

Curb Cut Restrictions on 15th Avenue

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

126-40

SPECIAL APPROVALS

126-41

Modification of Planting Requirements

The requirements of Section 126-234 (Planting requirement) and paragraph (c) of Section 126-233 (Special provisions along district boundaries) may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

126-42

Authorization for Reduction of Required Parking

Within the Commercial Areas identified on the Special College Point District Map, the Commission may authorize a reduction of the parking requirement of Section 44-21 (General Provisions) and paragraphs (b) and (c) of Section 126-31 (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

126-43

Special Permit to Modify Use or Bulk Regulations

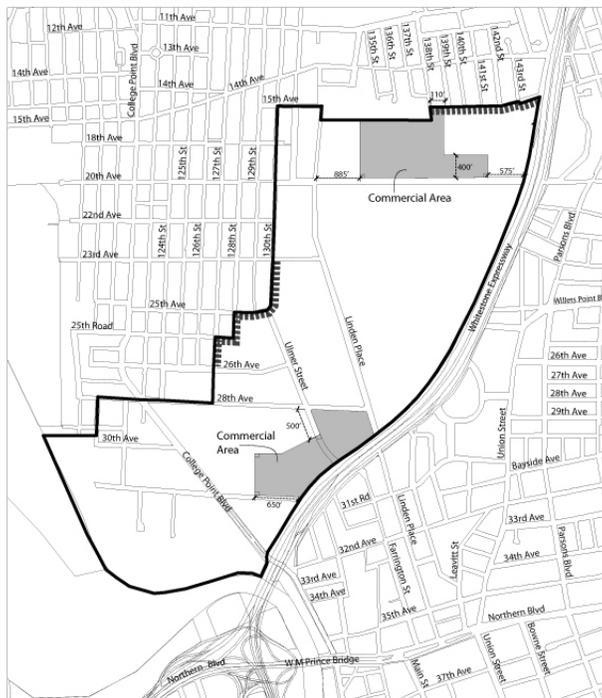
For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) modification will aid in achieving the general purposes and intent of the Special District;
- (b) #ue# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the #development#;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) #development# or #enlargement# will relate harmoniously to the character of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Appendix A

Special College Point District Map



PRE. L.U. NO. SPECIAL COLLEGE POINT DISTRICT

QUEENS CB - 07

C 090319 ZMQ

Application submitted by the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 7b and 10a:

1. changing from an M3-1 District to an M1-1 District property bounded by a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, the centerline of former 131st Street, 31st Avenue, and a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue;
2. changing from an M1-1 District to an M2-1 District property bounded by:
 - a. 20th Avenue, a line 700 feet northwesterly of Whitestone Expressway, a line 600 feet northeasterly of Linden Place, a line 400 feet northwesterly of Whitestone Expressway, 28th Avenue and its easterly centerline prolongation, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;
 - b. 28th Avenue, a line 160 feet northeasterly of College Point Boulevard, 30th Avenue and its easterly and westerly centerline prolongations, the centerline of former 119th Street, a line 100 feet southerly of 29th Avenue, and 120th Street; and
 - c. 31st Avenue, the northwesterly service road of the Whitestone Expressway, and the centerline of former 131st Street;

3. changing from an M3-1 District to an M2-1 District property bounded by 28th Avenue, Ulmer Street, a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue, 31st Avenue, the centerline of former 131st Street, the northwesterly service road of the Whitestone Expressway, College Point Boulevard, the northwesterly service road of the Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, 29th Avenue and its westerly centerline prolongation, 119th Street, the centerline of former 119th Street and its northwesterly prolongation, 30th Avenue and its westerly and easterly centerline prolongations, and a line 160 feet northeasterly of College Point Boulevard; and
4. establishing a Special College Point District bounded by 15th Avenue and its easterly centerline prolongation, the easterly street line of 132nd Street, the southerly boundary line of Frank Golden Memorial Park, the westerly street line of former 138th Street, the westerly street line of 138th Street, 15th Avenue and its westerly centerline prolongation, the northwesterly service road of Whitestone Expressway, College Point Boulevard, the northwesterly service road of Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, a line 100 feet southerly of 29th Avenue and its westerly prolongation, 120th Street, 28th Avenue, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;

as shown on a diagram (for illustrative purposes only), dated February 17, 2009, and modified by the City Planning Commission on June 3, 2009.

ULURP NOS. 090333 AND 090334 ARE RELATED

PRE. L.U. NO.

GREENPOINT/WILLIAMSBURG CONTEXTUAL REZONING

BROOKLYN CB - 01

N 090333 ZRK

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 extension of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn.

Matter in underline is new, to be added;

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

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

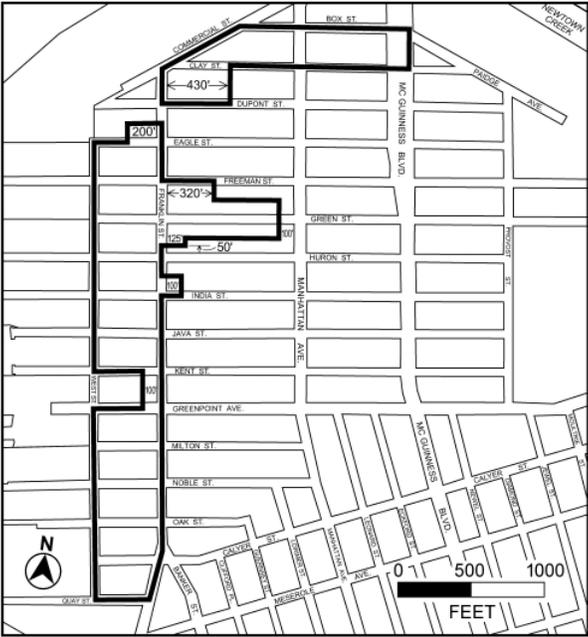
* * * indicates where unchanged text appears in the Zoning Resolution

23-922

Inclusionary housing designated areas

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:



EXISTING



PROPOSED

Map 1
 Portion of Community District 1, Brooklyn

PRE. L.U. No.

GREENPOINT/WILLIAMSBURG CONTEXTUAL REZONING

BROOKLYN CB - 01

C 090334 ZMK

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c, 13a, 13b:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. Clay Street, a line 150 feet easterly of Manhattan Avenue, Eagle Street, and a line 150 feet westerly of Manhattan Avenue;
 - b. India Street, a line 150 feet easterly of Manhattan Avenue, Kent Street, and a line 150 feet westerly of Manhattan Avenue;
 - c. Norman Avenue, Manhattan Avenue, a line 100 feet southeasterly of Norman Avenue, a line midway between Manhattan Avenue and Leonard Street, a line 150 feet northwesterly and northerly of Nassau Avenue, a line 150 feet northerly of Nassau Avenue, North Henry Street, Nassau Avenue, Russell Street, a line 150 feet southerly of Nassau Avenue, a line 150 feet southeasterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, a line 100 feet southeasterly of Nassau Avenue, a line midway between Lorimer Street and Manhattan Avenue, Nassau Avenue, Manhattan Avenue, Bedford Avenue, Lorimer Street, a line 150 feet northwesterly of Bedford Avenue, and a line midway between Lorimer Street and Manhattan Avenue;
 - d. a line 150 feet northerly of Driggs Avenue, Russell Street, Driggs Avenue, Monitor Street, a line 150 feet southerly of Driggs Avenue, and Humboldt Street;
 - e. a line 150 feet northerly of Driggs Avenue, a line 150 feet northwesterly of Meeker Avenue, Hausman Street, Meeker Avenue (northwesterly portion), Driggs Avenue, and Sutton Street;
 - f. Richardson Street, Kingsland Avenue- Grandparents Avenue, Jackson Street, a line 100 feet westerly of Kingsland Avenue- Grandparents Avenue, Withers Street, Woodpoint Road, Frost Street, a line 100 feet northwesterly of Woodpoint Road, and a line 100 feet westerly of Kingsland Avenue- Grandparents Avenue;
 - g. Skillman Avenue, a line 150 feet easterly of Graham Avenue- Via Vespucci, a line midway between Conselyea Street and Metropolitan Avenue, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line midway between Metropolitan Avenue and Devoe Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Devoe Street, and a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 - h. a line midway between Powers Street and Grand Street, Lorimer Street, a line midway between Grand Street and Maujer Street, a line 150 feet easterly of Union Avenue, Ten Eyck Street, and Union Avenue;
 - i. Powers Street, Humboldt Street, a line midway between Powers Street and Grand Street, Bushwick Avenue, Grand Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line midway between Grand Street and Maujer Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico); and
 - j. a line midway between Grand Street and Maujer Street, Bushwick Avenue, Maujer Street, and a line 150 feet westerly of Bushwick Avenue;
2. eliminating from within an existing R6 District a C2-2 District bounded by a line midway between Powers Street and Grand Street, Olive Street, Grand Street, and Bushwick Avenue;

3. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. Eagle Street, a line 150 feet easterly of Manhattan Avenue, India Street, a line 150 feet westerly of Manhattan Avenue, a line midway between Green Street and Huron Street, a line 100 feet westerly of Manhattan Avenue, a line midway between Freeman Street and Green Street, and a line 150 feet westerly of Manhattan Avenue;
 - b. a line 150 feet northwesterly of Norman Avenue, Eckford Street, a line 150 feet southeasterly of Norman Avenue, a line midway between Leonard Street and Manhattan Avenue, a line 100 feet southeasterly of Norman Avenue, Manhattan Avenue, Norman Avenue, and Leonard Street;
 - c. a line 100 feet southeasterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, Driggs Avenue, and a line midway between Manhattan Avenue and Lorimer Street;
 - d. Meeker Avenue (southeasterly portion), a line 125 feet northeasterly of Humboldt Street, Herbert Street, and Humboldt Street;
 - e. Meeker Avenue (southeasterly portion), Grand Avenue- Via Vespucci, Herbert Street, Humboldt Street, Richardson Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Skillman Avenue, a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), and Richardson Street;
 - f. Jackson Street, a line 100 feet easterly of Lorimer Street, Skillman Avenue, and a line 100 feet westerly of Lorimer Street;
 - g. Skillman Avenue, a line 150 feet easterly of Union Avenue, a line midway between Conselyea Street and Metropolitan Avenue, Leonard Street, a line midway between Metropolitan Avenue and Devoe Street, Union Avenue, and a southeasterly service road of Brooklyn Queens Expressway;
 - h. Orient Avenue, Olive Street, a line midway between Sharon Street and Metropolitan Avenue, Catherine Street and its northerly centerline prolongation, a line midway between Metropolitan Avenue and Devoe Street, a line 150 feet easterly of Bushwick Avenue, Metropolitan Avenue, and the easterly boundary line of Cooper Gore Park and its northerly and southerly prolongations; and
 - i. Grand Street, Bushwick Avenue, a line midway between Grand Street and Maujer Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
4. changing from an R6 District to an R6A District property bounded by:
 - a. Clay Street, Pulaski Bridge, McGuinness Boulevard, Greenpoint Avenue, and a line 100 feet westerly of McGuinness Boulevard;
 - b. a line midway between Kent Street and Greenpoint Avenue, a line 150 feet westerly of Manhattan Avenue, a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwestery street line of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and Franklin Street;
 - c. Norman Avenue, a line midway between Leonard Street and Manhattan Avenue, a line 100 feet northwesterly of Nassau Avenue, a line midway between McGuinness Boulevard and Eckford Street, Nassau Avenue, a line 100 feet northeasterly of Eckford Street, a line 100 feet southeasterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, Driggs Avenue, and a line midway between Manhattan Avenue and Lorimer Street;
 - d. Richardson Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 100 feet southerly of Conselyea Street, and a line 100 feet westerly of Graham Avenue – Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 - e. a line midway between Metropolitan Avenue and Devoe Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Powers Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 - f. Skillman Avenue, Kingsland Avenue- Grandparents Avenue, Maspeth Avenue, Olive Street, a line midway between Maspeth Avenue and Orient Avenue, a line 150 feet easterly of Bushwick Avenue and its northerly prolongation, Conselyea Street, and Woodpoint Road; and
 - g. a line midway between Grand Street and 79Maujer Street, a line 100 feet easterly of Graham

Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);

5. changing from a C4-3 District to an R6A District property bounded by:
 - a. a line midway between Kent Street and Greenpoint Avenue, a line 100 feet westerly of Manhattan Avenue, Greenpoint Avenue, a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue, and a line 150 feet southwesterly and westerly of Manhattan Avenue;
 - b. Powers Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico); and
 - c. a line midway between Grand Street and Maujer Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
6. changing from an R6 District to an R6B District property bounded by:
 - a. Clay Street, a line 100 feet westerly of Manhattan Avenue, a line midway between Freeman Street and Green Street, a line 320 feet easterly of Franklin Street, Freeman Street, Franklin Street, Dupont Street, and a line 430 feet easterly of Franklin Street;
 - b. Clay Street, a line 100 feet westerly of McGuinness Boulevard (westerly portion), a line 100 feet westerly of McGuinness Boulevard, Greenpoint Avenue, a line midway between Eckford Street and McGuinness Boulevard, a line 100 feet northwesterly of Nassau Avenue, a line midway between Leonard Street and Manhattan Avenue, Norman Avenue, Leonard Street, Greenpoint Avenue, a line 150 feet easterly of Manhattan Avenue, Kent Street, and a line 100 feet easterly of Manhattan Avenue;
 - c. a line midway between Green Street and Huron Street, a line 100 feet westerly of Manhattan Avenue, Kent Street, a line 150 feet westerly of Manhattan Avenue, a line midway between Kent Street and Greenpoint Avenue, Franklin Street, a line 50 feet northerly of Huron Street, and a line 125 feet easterly of Franklin Street;
 - d. a line midway between Greenpoint Avenue and Milton Street, a line 150 feet westerly of Manhattan Avenue, Noble Street, Lorimer Street, Norman Avenue, a line midway between Lorimer Street and Manhattan Avenue, Nassau Avenue, Lorimer Street, a line 100 feet northwesterly of Nassau Avenue, Guernsey Street, Norman Avenue, a line midway between Guernsey Street and Dobbin Street, a line 100 feet northwesterly of Meserole Avenue, a line 100 feet southwesterly of Clifford Place, Calyer Street, Banker Street, and Franklin Street;
 - e. a line 100 feet southeasterly of Nassau Avenue, a line 100 feet northeasterly of Eckford Street, Driggs Avenue, and a line midway between Manhattan Avenue and Leonard Street;
 - f. a line 100 feet northwesterly of Meserole₈₀ Avenue, Diamond Street, Meserole Avenue, Jewel

Street, a line 200 feet southeasterly of Meserole Avenue, a line midway between Jewel Street and Moultrie Street, a line 100 feet northwesterly of Norman Avenue, Moultrie Street, Norman Avenue, Monitor Street, a line 80 feet southerly of Norman Avenue, a line midway between Monitor Street and Kingsland Avenue, a line 200 feet southerly of Norman Avenue, Kingsland Avenue, a line 170 feet northerly of Nassau Street, a line midway between Kingsland Avenue and Sutton Street, a line 100 feet northerly of Nassau Avenue, Morgan Avenue, Nassau Avenue, Apollo Street, a line 250 feet southerly of Nassau Avenue, a line midway between Apollo Street and Van Dam Street, a line 130 feet southerly of Nassau Avenue, Van Dam Street, a line perpendicular to the westerly street line of Van Dam Street distant 50 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Van Dam Street and the northwesterly street line of Meeker Avenue, a line 100 feet northwesterly of Meeker Avenue, Hausman Street, a line perpendicular to the westerly street line of Hausman Street distant 60 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Hausman Street and the northwesterly street line of Meeker Avenue, a line 85 feet easterly of Morgan Avenue, Meeker Avenue (northwesterly portion), Driggs Avenue, Sutton Street, a line 120 feet southerly of Driggs Avenue, Kingsland Avenue, a line perpendicular to the westerly street line of Kingsland Avenue distant 50 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Kingsland Avenue and the northwesterly street line of Meeker Avenue (northwesterly portion), Monitor Street, Engert Avenue, North Henry Street, a line 100 feet northwesterly of Meeker Avenue (northwesterly portion), Russell Street, a line 250 feet southerly of Engert Avenue, Humboldt Street, McGuinness Boulevard South, Driggs Avenue, and McGuinness Boulevard;

- g. Brooklyn Queens Expressway, Kingsland Avenue- Grandparents Avenue, Skillman Avenue, Woodpoint Road, Conselyea Street, Humboldt Street, a line 100 feet southerly of Conselyea Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Richardson Street, Humboldt Street, Herbert Street, and North Henry Street;
- h. Richardson Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 100 feet southerly of Conselyea Street, Leonard Street, a line 100 feet northerly of Metropolitan Avenue, Lorimer Street, a line 75 feet southerly of Conselyea Street, a line 100 feet easterly of Union Avenue, Skillman Avenue, a line 100 feet westerly of Lorimer Street, Jackson Street, a line 150 feet easterly of Lorimer Street, a line midway between Withers Street and Jackson Street, Leonard Street, Withers Street, a line 100 feet easterly of Leonard Street, a line midway between Withers Street and Frost Street, Manhattan Avenue, Frost Street and a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
- i. a line 100 feet northerly of Devoe Street, Lorimer Street, a line midway between Metropolitan Avenue and Devoe Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Powers Street, Lorimer Street, a line midway between Powers Street and Grand Street, and a line 100 feet easterly of Union Avenue;
- j. a line midway between Metropolitan Avenue and Devoe Street, Humboldt Street, Devoe Street, a line 100 feet southwestly of Bushwick Avenue, a line midway between Powers Street and Grand Street, a line 200 feet westerly of Humboldt Street, a line 125 feet northerly of Grand Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
- k. a line midway between Maspeth Avenue and Orient Avenue, Olive Street, Maspeth Avenue, Debevoise Avenue, a line 70 feet northwesterly of Maspeth Avenue, Morgan Avenue, a line midway between Sharon Street and Metropolitan Avenue, Catherine Street and its northerly centerline prolongation, Powers Street, Olive Street, a line midway between Powers Street and Grand Street, a line 100 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and a line 150 feet northeasterly of Bushwick Avenue;
- l. a line midway between Grand Street and Maujer Street, Lorimer Street, Maujer Street, Leonard Street, Scholes Street, and a line 100 feet easterly of Union Avenue; and
- m. a line midway between Grand Street and Maujer Street, Bushwick Avenue, Maujer Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);

7. changing from a C4-3 District to an R6B District property bounded by:

- a. Kent Street, a line 100 feet westerly of 81 Manhattan Avenue, a line midway

- between Kent Street and Greenpoint Avenue, and a line 150 feet westerly of Manhattan Avenue;
 - b. Kent Street, a line 150 feet easterly of Manhattan Avenue, Greenpoint Avenue, and a line 100 feet easterly of Manhattan Avenue;
 - c. a line midway between Greenpoint Avenue and Milton Street, a line perpendicular to the northerly street line of Milton Street distant 125 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, Milton Street, a line perpendicular to the southerly street line of Milton Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, Noble Street, and a line 150 feet southwesterly of Manhattan Avenue;
 - d. Calyer Street, Leonard Street, Norman Avenue, and a line midway between Leonard Street and Manhattan Avenue;
 - e. Meserole Avenue, a line midway between Lorimer Street and Manhattan Avenue, Norman Avenue, and Lorimer Street;
 - f. Powers Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of Grand Street, a line 100 feet easterly of Manhattan Avenue, a line midway between Grand Street and Powers Street, and Lorimer Street; and
 - g. a line midway between Grand Street and Maujer Street, a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and Lorimer Street;
8. changing from a C8-2 District to an R6B District property bounded by a line midway between Conselyea Street and Metropolitan Avenue, Humboldt Street, a line 100 feet southerly of Conselyea Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
9. changing from an R6 District to an R7A District property bounded by:
- a. Clay Street, a line 100 feet easterly of Manhattan Avenue, Kent Street, and a line 100 feet westerly of Manhattan Avenue;
 - b. Calyer Street, McGuinness Boulevard, Driggs Avenue, a line 100 feet northeasterly of Eckford Street, Nassau Avenue, and a line midway between Eckford Street and McGuinness Boulevard;
 - c. a line midway between Metropolitan Avenue and Devoe Street, a line midway between Judge Street and Bushwick Avenue, a line midway between Powers Street and Grand Street, Olive Street, Grand Street, Bushwick Avenue, a line midway between Grand Street and Powers Street, a line 100 feet southwesterly of Bushwick Avenue, Devoe Street, and Bushwick Avenue; and
 - d. Skillman Avenue and its westerly centerline prolongation, a line 100 feet easterly of Union Avenue, a line 75 feet southerly of Conselyea Street, Lorimer Street, a line 100 feet northerly of Metropolitan Avenue, Leonard Street, a line 100 feet southerly of Conselyea Street, , a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/Avenue of Puerto Rico) a line midway between Metropolitan Avenue and Devoe Street, Lorimer Street, a line 100 feet northerly of Devoe Street, a line 100 feet easterly of Union Avenue, a line midway between Powers Street and Grand Street, Lorimer Street, a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Union Avenue, Scholes Street, Union Avenue, and Brooklyn Queens Expressway;
10. changing from a C8-2 District to an R7A District property bounded by a line 100 feet southerly of Conselyea Street, Humboldt Street, a line midway between Metropolitan Avenue and Devoe Street, and a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
11. changing from an R6 District to a C4-3A District property bounded by a line 150 feet southwesterly of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue;
12. changing from a C4-3 District to a C4-3A District property bounded by Kent Street, a line 100 feet easterly of Manhattan Avenue, Greenpoint Avenue, Leonard Street, Calyer Street, a line midway between Leonard

Street and Manhattan Avenue, Norman Avenue, a line midway between Manhattan Avenue and Lorimer Street, Meserole Avenue, Lorimer Street, Noble Street, a line perpendicular to the southerly street line of Milton Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, Milton Street, a line perpendicular to the northerly street line of Milton Street distant 125 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Milton Street and the southwesterly street line of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Greenpoint Avenue and the southwesterly street line of Manhattan Avenue;

13. changing from an R6 District to a C4-4A District property bounded by a line 125 feet northerly of Grand Street, a line 200 feet westerly of Humboldt Street, a line midway between Powers Street and Grand Street, Bushwick Avenue, a line midway between Grand Street and Maujer Street, and Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
14. changing from a C4-3 District to a C4-4A District property bounded by a line midway between Powers Street and Grand Street, a line 100 feet easterly of Manhattan Avenue, a line 125 feet northerly of Grand Street, Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line midway between Grand Street and Maujer Street, and Lorimer Street;
15. establishing within an existing R6 District a C2-4 District bounded by
 - a. a line perpendicular to the westerly street line of Hausman Street distant 60 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Hausman Street and the northwesterly street line of Meeker Avenue (northwesterly portion), Hausman Street, Meeker Avenue, and a line 85 feet easterly of Morgan Avenue;
 - b. Meeker Avenue (southeasterly portion), a line 125 feet northeasterly of Humboldt Street, Herbert Street, and Humboldt Street; and
 - c. Meeker Avenue (southeasterly portion), Grand Avenue- Via Vespucci, Herbert Street, Humboldt Street, Richardson Street, a line 150 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Skillman Avenue, a line 150 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), and Richardson Street;
16. establishing within a proposed R6A District a C2-4 District bounded by:
 - a. a line midway between Kent Street and Greenpoint Avenue, a line 100 feet westerly of Manhattan Avenue, Greenpoint Avenue, a line perpendicular to the southerly street line of Greenpoint Avenue distant 150 feet westerly from the point of intersection of the southerly street line of Greenpoint Avenue and the northwesterly street line of Manhattan Avenue, a line midway between Greenpoint Avenue and Milton Street, and Franklin Street;
 - b. a line midway between Kent Street and Greenpoint Avenue, McGuinness Boulevard, Greenpoint Avenue, and a line 100 feet westerly of McGuinness Boulevard
 - c. Norman Street, a line midway between Manhattan Avenue and Leonard Street, a line 100 feet northwesterly of Nassau Avenue, a line midway between McGuinness Boulevard and Eckford Street, Nassau Avenue, a line 100 feet northeasterly of Eckford Street, a line 100 feet southeasterly of Nassau Avenue, a line midway between Manhattan Avenue and Leonard Street, Driggs Avenue, and a line midway between Lorimer Street and Manhattan Avenue;
 - d. Richardson Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 100 feet southerly of Conselyea Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);
 - e. a line midway between Metropolitan Avenue and Devoe Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), a line 125 feet northerly of

Grand Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico); and

- f. a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico), Maujer Street, and a line 100 feet westerly of Graham Avenue- Via Vespucci (Graham Avenue/ Avenue of Puerto Rico);

17. establishing within a proposed R6B District a C2-4 District bounded by:

- a. Dupont Street, a line 75 feet easterly of Franklin Street, Freeman Street, and Franklin Street;
- b. a line 50 feet northerly of Huron Street, a line 75 feet easterly of Franklin Street, a line midway between Kent Street and Greenpoint Avenue, and Franklin Street;
- c. a line midway between Greenpoint Avenue and Milton Street, a line 75 feet easterly of Franklin Street and its southerly prolongation, Calyer Street, Banker Street, and Franklin Street;
- d. a line midway between Greenpoint Avenue and Kent Street, a line 100 feet westerly of McGuinness Boulevard, Greenpoint Avenue, a line midway between Eckford Street and McGuinness Boulevard, a line 100 feet southerly of Greenpoint Avenue, Leonard Street, Greenpoint Avenue, and a line 100 feet easterly of Manhattan Avenue;
- e. a line 100 feet northerly of Norman Avenue, Eckford Street, a line 100 feet southerly of Norman Avenue, and a line midway between Leonard Street and Manhattan Avenue;
- f. a line perpendicular to the northeasterly street line of Lorimer Street distant 75 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Bedford Avenue and the northeasterly street line of Lorimer Street, a line midway between Manhattan Avenue and Lorimer Street, Bedford Avenue, and Lorimer Street;
- g. a line 100 feet northerly of Driggs Avenue, a line 100 feet northeasterly of Eckford Street, Driggs Avenue, and Leonard Street;
- h. a line 100 feet northwesterly of Nassau Avenue, Newel Street, a line 75 feet northwesterly of Nassau Avenue, Humboldt Street, a line 100 feet northerly of Nassau Avenue, Russell Street, a line 75 feet northerly of Nassau Avenue, Monitor Street, Nassau Avenue, Russell Street, a line 100 feet southerly and southeasterly of Nassau Avenue, Diamond Street, a line 75 feet southeasterly of Nassau Avenue, Newel Street, a line 100 feet southeasterly of Nassau Avenue, and McGuinness Boulevard;
- i. a line 100 feet northerly of Driggs Avenue, Russell Street, Driggs Avenue, Monitor Street, a line 100 feet southerly of Driggs Avenue, Humboldt Street, Driggs Avenue, and McGuinness Boulevard;
- j. a line 80 feet northerly of Driggs Avenue, Morgan Avenue, a line 100 feet northerly of Driggs Avenue, a line 85 feet easterly of Morgan Avenue, Meeker Avenue (northerly portion), Driggs Avenue, and Sutton Street;
- k. Richardson Street, Kingsland Avenue- Grandparents Avenue, Jackson Street, a line 100 feet westerly of Kingsland Avenue- Grandparents Avenue, Withers Street, Woodpoint Road, Frost Street, a line 100 feet northwesterly of Woodpoint Road, and a line 100 feet westerly of Kingsland Avenue- Grandparents Avenue;
- l. Jackson Avenue, a line 100 feet easterly of Lorimer Street, Skillman Avenue, and a line 100 feet westerly of Lorimer Street;
- m. a line midway between Orient Avenue and Metropolitan Avenue, Olive Street, a line midway between Sharon Street and Metropolitan Avenue, Catherine Street and its northerly centerline prolongation, a line midway between Metropolitan Avenue and Devoe Street, a line 150 feet easterly of Bushwick Avenue, Metropolitan Avenue, and the easterly boundary line of Cooper Gore Park;
- n. a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Manhattan Avenue, Maujer Street, and a line 100 feet westerly of Manhattan Avenue; and
- o. a line midway between Grand Street and Maujer Street, Bushwick Avenue, Maujer Street, and a line 100 feet westerly of Bushwick Avenue; and

18. establishing within a proposed R7A District a C2-4 District bounded by:

- a. Clay Street, a line 100 feet easterly of Manhattan Avenue, Kent Street, and a line 100 feet

- westerly of Manhattan Avenue;
- b. a line 100 feet northwesterly of Nassau Avenue, McGuinness Boulevard, a line 100 feet southeasterly of Nassau Avenue, a line 100 feet northeasterly of Eckford Street, Nassau Avenue, and a line midway between McGuinness Boulevard and Eckford Street;
- c. Skillman Avenue and its westerly centerline prolongation, a line 100 feet easterly of Union Avenue, a line 75 feet southerly of Conselyea Street, Lorimer Street, a line 100 feet northerly of Metropolitan Avenue, Leonard Street, a line 100 feet southerly of Conselyea Street, Humboldt Street, a line midway between Metropolitan Avenue and Devoe Street, Lorimer Street, a line 100 feet northerly of Devoe Street, a line 100 feet easterly of Union Avenue, a line midway between Powers Street and Grand Street, Lorimer Street, a line midway between Grand Street and Maujer Street, a line 100 feet easterly of Union Avenue, Ten Eyck Street, and Union Avenue; and
- d. a line midway between Powers Street and Grand Street, Olive Street, Grand Street, and Bushwick Avenue;

as shown on a diagram (for illustrative purposes only) dated March 2, 2009, and which includes CEQR Designation E-232.

L.U. No.
MIDDLE VILLAGE/MASPETH REZONING
QUEENS CB - 05 **C 090382 ZMQ**

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 13c, 13d, 14a, 14b and 17c:

1. eliminating from within an existing R4 District a C1-2 District bounded by:
 - a. 56th Avenue, a line 150 feet easterly of 61st Street, 56th Drive, and a line 150 feet westerly of 61st Street;
 - b. Grand Avenue, a line 150 feet northeasterly of 61st Street, Flushing Avenue, Grand Avenue, a westerly boundary line of Mount Olivet Cemetery and its northerly prolongation, a line 150 feet southeasterly of Grand Avenue, a line 150 feet southeasterly of Flushing Avenue, and 61st Street;
 - c. Grand Avenue, 66th Street, a line 150 feet southeasterly of Grand Avenue, and an easterly boundary line of Mount Olivet Cemetery and its northwesterly prolongation;
 - d. 60th Avenue, Fresh Pond Road, 60th Road, a line 150 feet northeasterly of Fresh Pond Road, Eliot Avenue, Fresh Pond Road, 60th Drive, and a line 150 feet southwestwesterly of Fresh Pond Road;
 - e. 63rd Avenue, Woodhaven Boulevard, 64th Road, and a line 150 feet southwestwesterly of Woodhaven Boulevard; and
 - f. Rutledge Avenue, a line 150 feet northeasterly of 88th Street, 75th Avenue, and 88th Street;
2. eliminating from within an existing R5 District a C1-2 District bounded by:
 - a. St. Felix Avenue, 60th Lane, Cooper Avenue, a line 150 feet westerly of 60th Lane, and a line 100 feet southwestwesterly of St. Felix Avenue;

b. Central Avenue, a line 100 feet northerly of 85th Myrtle Avenue, 64th Street, a line 150 feet northerly of

- Myrtle Avenue, Cypress Hills Street, Central Avenue, a line midway between 65th Street and 65th Place, a line 150 feet northwesterly of Myrtle Avenue, 66th Place, Myrtle Avenue, 66th Place, a line 150 feet southerly of Myrtle Avenue, Cypress Hills Street, a line 100 feet southerly of Myrtle Avenue, 62nd Street, a line 150 feet southerly of Myrtle Avenue, 61st Street, and Myrtle Avenue; and
- c. 67th Place, a line 150 feet northwesterly of Myrtle Avenue, 69th Place, a line 100 feet southerly of Myrtle Avenue, 69th Street, Myrtle Avenue, 68th Street, a line 150 feet southerly of Myrtle Avenue, 67th Place, and Myrtle Avenue;
3. eliminating from within an existing R5 District a C1-3 District bounded by 69th Place, a line 100 feet southeasterly of Cooper Avenue, a line midway between 69th Place and 70th Street, and a line perpendicular to the northeasterly street line of 69th Place distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the northeasterly street line of 69th Place;
 4. eliminating from within an existing R4 District a C2-2 District bounded by:
 - a. 56th Drive, a line 150 feet easterly of 59th Street, 58th Avenue, and 59th Street;
 - b. 58th Road, a line 150 feet easterly of 59th Street, 59th Avenue, and 59th Street;
 - c. 62nd Avenue, a line 150 feet northeasterly of Fresh Pond Road, 62nd Road, and Fresh Pond Road;
 - d. a line 150 feet northerly of Metropolitan Avenue, 65th Street, Metropolitan Avenue, and 64th Street;
 - e. 62nd Drive, 69th Place, Juniper Boulevard South, and 69th Street;
 - f. 71st Street, a line 150 feet northwesterly of Eliot Avenue, 75th Street, and Eliot Avenue; and
 - g. Cooper Avenue, Metropolitan Avenue, Aubrey Avenue, a line 150 feet southwestly of Metropolitan Avenue, a line midway between Cooper Avenue and Aubrey Avenue, and a line perpendicular to the southeasterly street line of Cooper Avenue distant 150 feet southwestly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the southwestly street line of Metropolitan Avenue;
 5. eliminating from an existing R5 District a C2-2 District bounded by 66th Place, a line 150 feet northerly of Myrtle Avenue, 67th Place, Myrtle Avenue, 67th Place, a line 150 feet southerly of Myrtle Avenue, 66th Place, and Myrtle Avenue;
 6. eliminating from an existing R5 District a C2-3 District bounded by 70th Street, a line 150 feet northerly of Myrtle Avenue, a line midway between 70th Street and 71st Street, and a line perpendicular to the northeasterly street line of 70th Street distant 90 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Myrtle Avenue and the northeasterly street line of 70th Street;
 7. changing from an R3-2 District to an R3A District property bounded by 61st Street and its southeasterly centerline prolongation, a line 160 feet southeasterly of 78th Avenue and its southwestly prolongation, 64th Place, 78th Avenue, a line 100 feet northeasterly of 65th Street, a line 100 feet northwesterly of 80th Avenue, Cypress Hills Street, a northerly boundary line of Beth-El Cemetery and its northeasterly prolongation, and a northerly boundary line of Union Field Cemetery;
 8. changing from an R5 District to an R3A District property bounded by a line midway between 60th Lane and 61st Street and its southeasterly prolongation, the southwestly prolongation a line 160 feet southeasterly of 78th Avenue, 61st Street and its southeasterly prolongation, and a northerly boundary line of Union Field Cemetery;
 9. changing from an R3-2 District to an R4-1 District property bounded by Cooper Avenue, 62nd Street, 78th Avenue, a line midway between 62nd Street and 64th Street, Cooper Avenue, 64th Place, a line 100 feet southeasterly of Cooper Avenue, 64th Lane, Cooper Avenue, 65th Street, a line 100 feet southeasterly of Cooper Avenue, a line 135 feet northeasterly of 65th Street, Cooper Avenue, Cypress Hills Street, a line 100 feet northwesterly of 80th Avenue, a line 100 feet northeasterly of 65th Street, 78th Avenue, 64th Place, a line 160 feet southeasterly of 78th Avenue and its southwestly prolongation, and 61st Street;
 10. changing from an R4 District to an R4-1 District property bounded by :
 - a. Queens Midtown Expressway, Perry 86 Avenue and its northeasterly centerline prolongation,

- Hamilton Place, a line 100 feet northwesterly of Grand Avenue, 64th Street, Grand Avenue, 61st Street, 58th Avenue, a line perpendicular to the southerly street line of 58th Avenue distant 175 feet westerly (as measured along the street line) from the point of intersection of the southwesterly street line of 61st Street and the southerly street line of 58th Avenue, a line midway between 58th Avenue and 58th Road, a line 100 feet northwesterly of Flushing Avenue, a line midway between 58th Road and 58th Drive, 59th Street, 56th Drive, and 61st Street and its northerly centerline prolongation;
- b. 59th Road, a line 100 feet southeasterly of Flushing Avenue, 60th Street, 59th Road, 60th Lane, 59th Avenue, a line midway between 60th Lane and 61st Street, a line 100 feet southeasterly of Flushing Avenue, Fresh Pond Road, a line perpendicular to the easterly street line of Fresh Pond Road distant 120 feet southeasterly (as measured along the street line) from the point of intersection of southeasterly street line of Flushing Avenue and the easterly street line of Fresh Pond Road, a line midway between Fresh Pond Road and 63rd Street, a line 100 feet southeasterly of Flushing Avenue, a line 100 feet southeasterly of Grand Avenue, a westerly boundary line of Mount Olivet Cemetery, a line 165 feet easterly of 64th Street, 59th Avenue, a line 200 feet easterly of 64th Street, 58th Road and its westerly centerline prolongation, 63rd Street, 59th Drive, 64th Street, the easterly prolongation of a line 100 feet northerly of 59th Drive, a westerly boundary line of Mount Olivet Cemetery and its southeasterly prolongation, Eliot Avenue, a line 370 feet southwesterly of Mount Olivet Crescent, a line midway between 60th Drive and Eliot Avenue, a line perpendicular to the southeasterly street line of 60th Drive distant 190 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 60th Drive and the northeasterly street line of Fresh Pond Road, 60th Drive, a line 100 feet northeasterly of Fresh Pond Road, 60th Road, Fresh Pond Road, a line midway between 60th Road and 60th Drive and its southwesterly prolongation, a line 200 feet southwesterly of 60th Street, 60th Road, 59th Place, the southwesterly prolongation of a line 40 feet northwesterly of 60th Avenue, a line 100 feet southwesterly of 59th Place, the northeasterly prolongation of the terminus of 59th Street, 59th Street, 59th Drive, and 59th Street;
- c. Eliot Avenue, 62nd Street, a line 100 feet southeasterly of Eliot Avenue, a line midway between 63rd Street and 64th Street, 62nd Avenue, 65th Street, a line 110 feet northerly of Metropolitan Avenue, 64th Street, a line 125 feet northerly of Metropolitan Avenue, 62nd Street, 62nd Road, and Fresh Pond Road;
- d. a line 100 feet southeasterly of Grand Avenue, Brown Place and its northwesterly centerline prolongation, Queens Midtown Expressway, Mazeau Street and its northerly centerline prolongation, Caldwell Avenue, a line midway between 71st Street and 72nd Street, a line 100 feet southeasterly of 60th Avenue, 70th Street, a line 300 feet southeasterly of Caldwell Avenue, 69th Place, 60th Avenue, a line midway between 69th Place and 69th Lane, a line 225 feet southeasterly of 60th Avenue, 69th Place, 60th Road, a line 250 feet northeasterly of 69th Street, 60th Drive, a line 100 feet northeasterly of 69th Street, Eliot Avenue, 69th Street, a line midway between 60th Avenue and 60th Road, 68th Street, the southwesterly prolongation of a line 70 feet southeasterly of 60th Avenue, and an easterly boundary line of Mount Olivet Cemetery;
- e. a line midway between 61st Road and 61st Drive and its southwesterly prolongation, 69th Place, 62nd Avenue and its southwesterly prolongation, and an easterly boundary line of Lutheran Cemetery;
- f. Queens Midtown Expressway, 73rd Place and its northerly centerline prolongation, 58th Avenue, 74th Street, a line 200 feet northerly of Caldwell Avenue, 75th Street, Caldwell Avenue, a line 450 feet westerly of 74th Street, 58th Street, and 73rd Street and its northerly prolongation;
- g. Queens Midtown Expressway, a westerly boundary line of the New York Connecting Rail Road right-of-way, a line 100 feet northerly of 58th Avenue and its easterly prolongation, and a line 90 feet westerly of 75th Street, and its northerly prolongation;
- h. Queens Midtown Expressway, a line midway between 78th Street and 79th Street and its northwesterly prolongation, a line perpendicular to the northeasterly street line of 78th Street distant 100 feet

northwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Caldwell Avenue and the northeasterly street line of 78th Street, 78th Street, a line 90 feet northwesterly of Caldwell Avenue, a line midway between 77th Place and 78th Street, 58th Avenue, and 76th Street;

- i. Eliot Avenue, a line midway between 76th Street and 77th Street and its southeasterly prolongation, a northerly boundary line of Juniper Valley Park, and a line midway between 75th Place and 76th Street and its southeasterly prolongation;
 - j. Queens Midtown Expressway, 84th Street and its northwesterly centerline prolongation, a line 240 feet northwesterly of 60th Avenue, 84th Place, 60th Avenue, a line 250 feet northeasterly of 84th Street, 60th Road, 84th Street, 60th Avenue, a line midway between 83rd Street and 83rd Place, a line 100 feet southeasterly of 58th Avenue, 83rd Street, 58th Avenue, and 82nd Street and its northwesterly centerline prolongation;
 - k. a line 240 feet southeasterly of 60th Avenue, 84th Street, a line midway between 60th Road and 60th Drive, 85th Street, 60th Road, a line 180 feet northeasterly of 85th Street, 60th Avenue, 86th Street, a line 100 feet northwesterly of Eliot Avenue and its northeasterly prolongation, 85th Street, a line 100 feet southeasterly of 60th Drive, a line 205 feet southwesterly of 85th Street, Eliot Avenue, 84th Street, the southwesterly centerline prolongation of 60th Drive, and 83rd Place;
 - l. 61st Road, a line 325 feet southwesterly of 85th Street, a line midway between Eliot Avenue and 61st Road, 85th Street, Dry Harbor Road, a line perpendicular to the northwesterly street line of Dry Harbor Road distant 200 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Dry Harbor Road and the northeasterly street line of 84th Street, a line 100 feet northwesterly of Dry Harbor Road, and 84th Street;
 - m. Cooper Avenue, a line perpendicular to the southeasterly street line of Cooper Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the southwesterly street line of Metropolitan Avenue, a line midway between Cooper Avenue and Aubrey Avenue, a line 100 feet southwesterly of Metropolitan Avenue, a line 425 feet northeasterly of 89th Street and its northwesterly prolongation, a line 90 feet southeasterly of Doran Avenue, and a line 100 feet southwesterly of 89th Street, Doran Avenue, and a line 425 feet northeasterly of 88th Street; and
 - n. Cooper Avenue, Woodhaven Boulevard, and Metropolitan Avenue;
11. changing from an R5 District to an R4-1 District property bounded by:
- a. St. Felix Avenue, Seneca Avenue, a westerly boundary line of Evergreen Park and its southwesterly and northeasterly prolongations, a line 100 feet northerly of 75th Avenue, a line midway between 60th Place and 60th Lane and its northerly prolongation, St. Felix Avenue, Cooper Avenue, 60th Lane, 78th Avenue, a line 130 feet westerly of 60th Lane, a line midway between 78th Avenue and Cooper Avenue, a line perpendicular to the northwesterly street line of Cooper Avenue distant 200 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 60th Street and the northwesterly street line of Cooper Avenue, Cooper Avenue, a line 300 feet westerly of 60th Lane, 80th Avenue, a line 200 feet northeasterly of 59th Street, a westerly boundary line of Union Field Cemetery and its southwesterly prolongation, 59th Street, a line 330 feet southeasterly of the northeasterly prolongation of the southeasterly street line of Clover Place, a line midway between Cypress Avenue and 59th Street, a line 30 feet southeasterly of the northeasterly prolongation of the southeasterly street line of Clover Place, Cypress Avenue, a northerly boundary line of the Cemetery of the Evergreens and its northeasterly prolongation, an easterly boundary line of Knollwood Park Cemetery, 57th Street, Cabot Road, Cypress Avenue, and Cooper Avenue;
 - b. 70th Avenue, a line midway between 67th Street and 67th Place, Central Avenue, and a line midway between 66th Street and 66th Place; and
 - c. 70th Avenue, a line midway between 69th Street and 69th Place, a line 100 feet northwesterly of Central Avenue, 69th Street, Central Avenue, 68th Street, a line 250 feet northwesterly of Central Avenue, and a line midway between 67th Place and 68th Street;
12. changing from an M1-1 District to an R4-1 District property bounded by:
- a. 58th Road, a line 200 feet easterly of 64th₈₈ Street, 59th Avenue, and a line 165 feet easterly of 64th

Street;

- b. 63rd Street, a line 100 feet northerly of 59th Drive, 64th Street, and 59th Drive;
 - c. 62nd Road, 62nd Street, a line 100 feet northerly of Metropolitan Avenue, and Fresh Pond Road;
 - d. the southerly boundary line of the Long Island Rail Road (Montauk Division) right-of-way, a line 100 feet northeasterly of 79th Place, a line 100 feet northwesterly of 77th Avenue, a line 160 feet northeasterly of 79th Place, 77th Avenue, 79th Place, 77th Avenue, 79th Street, 77th Avenue, and a line 125 feet southwesterly of 79th Street and its northwesterly prolongation; and
 - e. Cooper Avenue, 80th Street, a line 250 feet southeasterly of Cooper Avenue, and a line 200 feet southwesterly of 80th Street;
13. changing from an R4 District to an R4A District property bounded by:
- a. 60th Avenue, a line midway between 69th Lane and 70th Street, Eliot Avenue, and a line midway between 69th Place and 69th Lane;
 - b. 60th Avenue, a line 90 feet northeasterly of 82nd Street, 60th Road, 82nd Street, a line 625 feet southeasterly of 58th Avenue, a line midway between 81st Street and 82nd Street, a line 300 feet southeasterly of 58th Avenue, and 82nd Street;
 - c. 62nd Avenue, 82nd Place, a line 115 feet southeasterly of 62nd Avenue, 83rd Street, 62nd Avenue, 84th Street, northwesterly street line 62nd Drive and its southwesterly prolongation, 84th Place, 62nd Drive, a line 100 feet northeasterly of 84th Place, a line 100 feet northwesterly of 63rd Avenue, 83rd Place, a line 100 feet southeasterly of 63rd Avenue, a line midway between 82nd Place and 83rd Street, a line 280 feet northwesterly of Penelope Avenue, a line midway between 83rd Street and 83rd Place, a line 100 feet northwesterly of Penelope Avenue, 83rd Place, a line 100 feet southeasterly of Penelope Avenue, 83rd Street, a line 100 feet northwesterly of Penelope Avenue, a line 100 feet northeasterly of Dry Harbor Road, a line midway between Dry Harbor Road and 82nd Place, a line 160 feet southeasterly of 63rd Avenue, 82nd Place, a line 100 feet northwesterly of 63rd Avenue, a line midway between 83rd Street and 83rd Place, Dry Harbor Road, 82nd Place, a line 320 feet southeasterly of 62nd Avenue, a line midway between 82nd Street and 82nd Place, a line 290 feet southeasterly of 62nd Avenue, and 82nd Street;
 - d. a line 100 feet southeasterly of 63rd Avenue, 84th Place, a line midway between 63rd Road and Dana Court, a line 100 feet southwesterly of Woodhaven Boulevard, a line 100 feet southeasterly of Penelope Avenue, 84th Street, a line 100 feet northwesterly of Penelope Avenue, and a line midway between 83rd Place and 84th Street;
 - e. a line 100 feet southeasterly of Penelope Avenue, a line midway between 82nd Place and 83rd Street, a line 140 feet northwesterly of 64th Road, 83rd Street, 64th Road, and Dry Harbor Road;
 - f. Fleet Court, a line 50 feet northeasterly of 84th Place, 64th Road, a line 125 feet northeasterly of 84th Place, Goldington Court, a line 225 feet northeasterly of 84th Place, Furmanville Avenue, and 84th Place; and
 - g. Cooper Avenue, a line 425 feet northeasterly of 88th Street, Doran Avenue, a line 100 feet southwesterly of 89th Street, a line 80 feet southeasterly of Doran Avenue, and 88th Street;
14. changing from an R4B District to an R4A District property bounded by Caldwell Avenue, a line 100 feet southeasterly of 61st Drive, 82nd Place, 62nd Avenue, 82nd Street, a line 100 feet northwesterly of 62nd Avenue, a line midway between 82nd Street and 82nd Place, a line 225 feet northwesterly of 62nd Avenue, and 82nd Place;
15. changing from an M1-1 District to an R4A District property bounded by a line 100 feet northwesterly of 78th Avenue, a line 280 feet northeasterly of 88th Street, 78th Avenue, and a line 100 feet northeasterly of 88th Street;
16. changing from an R4 District to an R4B District property bounded by:
- a. a line 100 feet southeasterly of Flushing Avenue, a line midway between 60th Lane and 61st Street, 59th Avenue, 60th Lane, 59th Road, and 60th Street;
 - b. a line midway between 60th Road and 60th 89 Drive, Fresh Pond Road, 60th Road, a line 100 feet

- northeasterly of Fresh Pond Road, 60th Drive, a line perpendicular to the southeasterly street line 60th Drive distant 190 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Fresh Pond Road and the southeasterly street line of 60th Drive, a line midway between 60th Drive and Eliot Avenue, a line 370 feet southwesterly of Mount Olivet Crescent, Eliot Avenue, Fresh Pond Road, a line 240 feet southeasterly of 60th Drive, a line midway between 60th Place and 60th Lane, a line 335 feet southeasterly of 60th Drive, 60th Place, 60th Court, 60th Street, the southwesterly centerline prolongation of 60th Drive, and a line 125 feet southwesterly of 60th Street;
- c. Admiral Avenue, a line at an angle of 107 degrees to northeasterly street line of Admiral Avenue and passing through a point on the northeasterly street line of Admiral Avenue distant 100 feet southeasterly (as measured along the street line) of the northeasterly street line of Admiral Avenue and the easterly street line of 65th Lane, a line passing through 2 points: the first on the last named course distant 160 feet northeasterly (as measured on along the last named course) of Admiral Avenue and the second on a line 100 feet easterly of 65th Lane distant 150 feet southerly of Metropolitan Avenue, a line 100 feet easterly of 65th Lane, Metropolitan Avenue, and a line perpendicular to the southerly street line of Metropolitan Avenue distant 100 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Metropolitan Avenue and the northeasterly street line of Admiral Avenue;
 - d. a line 300 feet southeasterly of Caldwell Avenue, 70th Street, a line 100 feet southeasterly of 60th Avenue, a line midway between 71st Street and 72nd Street, Eliot Avenue, a line midway between 69th Lane and 70th Street, 60th Avenue, and 69th Place;
 - e. Queens Midtown Expressway, a line midway between 80th Street and 81st Street and its northwesterly prolongation, 58th Avenue, and a line midway between 79th Street and 80th Street and its northwesterly prolongation;
 - f. 62nd Avenue, 83rd Street, a line 115 feet southeasterly of 62nd Avenue, and 82nd Place;
 - g. 82nd Street, a line 290 feet southeasterly of 62nd Avenue, a line midway between 82nd Street and 82nd Place, a line 320 feet southeasterly of 62nd Avenue, 82nd Place, Dry Harbor Road, a line midway between 83rd Street and 83rd Place, a line 100 feet northwesterly of 63rd Avenue, 82nd Place, a line 160 feet southeasterly of 63rd Avenue, a line midway between Dry Harbor Road and 82nd Place, a line 100 feet southeasterly of Dry Harbor Road, a line 100 feet northwesterly of Penelope Avenue, 83rd Street, a line 100 feet southeasterly of Penelope Avenue, 83rd Place, a line 100 feet northwesterly of Penelope Avenue, a line midway between 83rd Street and 83rd Place, a line 280 feet northwesterly of Penelope Avenue, a line midway between 82nd Place and 83rd Street, a line 100 feet southeasterly of 63rd Avenue, 83rd Place, a line 100 feet northwesterly of 63rd Avenue, a line 100 feet northeasterly of 84th Place, 62nd Drive, a line 100 feet southwesterly of Woodhaven Boulevard, a line midway between 63rd Road and Dana Court, 84th Place, a line 100 feet southeasterly of 63rd Avenue, a line midway between 83rd Place and 84th Street, a line 100 feet northwesterly of Penelope Avenue, 84th Street, a line 100 feet southeasterly of Penelope Avenue, 84th Place, Furmanville Avenue, Dry Harbor Road, 64th Road, 83rd Street, a line 140 feet northwesterly of 64th Road, a line midway between 82nd Place and 83rd Street, a line 100 feet southeasterly of Penelope Avenue, Dry Harbor Road, and Juniper Boulevard North;
 - h. a line 100 feet northwesterly of Doran Avenue, 88th Street, a line 110 feet southeasterly of Doran Avenue, and 83rd Street and its southeasterly centerline prolongation; and
 - i. 88th Street, a line 80 feet southeasterly of Doran Avenue, a line 100 feet southwesterly of 89th Street, a line 90 feet southeasterly of Doran Avenue, a line 140 feet northeasterly of 89th Street, Rutledge Avenue, a line 130 feet northeasterly of 89th Street, 74th Avenue, Woodhaven Boulevard, a line midway between 75th Avenue and 76th Avenue, a line 100 feet northeasterly of 88th Street, and a line 75 feet southeasterly of 75th Avenue;

- a. Admiral Avenue, the southerly prolongation of the easterly street line of 65th Lane, a line at an angle of 107 degrees to northeasterly street line of Admiral Avenue and passing through a point on the northeasterly street line of Admiral Avenue distant 100 feet southeasterly (as measured along the street line) of the northeasterly street line of Admiral Avenue and the easterly street line of 65th Lane, a line 140 feet southwesterly of Admiral Avenue, and the southeasterly prolongation of the southwesterly street line of 64th Street; and
 - b. a line 110 feet northwesterly of Doran Avenue, 88th Street, a line 100 feet northwesterly of Doran Avenue, and 83rd Street;
18. changing from an R3-2 District to an R5B District property bounded by:
- a. Cooper Avenue, a line midway between 62nd Street and 64th Street, 78th Avenue, and 62nd Street;
 - b. Cooper Avenue, 64th Lane, a line 100 feet southeasterly of Cooper Avenue, and 64th Place; and
 - c. Cooper Avenue, a line 135 feet northeasterly of 65th Street, a line 100 feet southeasterly of Cooper Avenue, and 65th Street;
19. changing from an R4 District to an R5B District property bounded by:
- a. 59th Street, a line midway between 58th Drive and 58th Road, a line 100 feet northwesterly of Flushing Avenue, a line midway between 58th Avenue and 58th Road, a line perpendicular to the southerly street line of 58th Avenue distant 175 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 58th Avenue and the westerly street line of 61st Street, 58th Avenue, 61st Street, Grand Avenue, 64th Street, a line 100 feet northwesterly of Grand Avenue, Hamilton Place, Perry Avenue and its northeasterly centerline prolongation, Queens Midtown Expressway, Brown Place and its northwesterly centerline prolongation, a line 100 feet southerly of Queens Midtown Expressway, a line 100 feet southeasterly of Grand Avenue, a northerly boundary line of Mount Olivet Cemetery, a line 100 feet southeasterly of Grand Avenue, a line 100 feet southeasterly of Flushing Avenue, a line midway between Fresh Pond Road and 63rd Street, a line perpendicular to the northeasterly street line of Fresh Pond Road distant 120 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Fresh Pond Road and the southeasterly street line of Flushing Avenue, Fresh Pond Road, a line 100 feet southeasterly of Flushing Avenue, and 59th Road; and
 - b. 62nd Street, a line 125 feet northerly of Metropolitan Avenue, 64th Street, a line 110 feet northerly of Metropolitan Avenue, 65th Street, Metropolitan Avenue, 64th Street, and a line 100 feet northerly of Metropolitan Avenue;
20. changing from an R5 District to an R5B District property bounded by:
- a. a line 100 feet southerly of Myrtle Avenue, a line midway between 66th Place and 67th Street, Cooper Avenue, St. Felix Avenue, a line midway between 60th Place and 60th Lane and its northerly prolongation, a line 100 feet northerly of 75th Avenue, 60th Lane, a line 100 feet southeasterly of 60th Lane, and 61st Street;
 - b. 70th Avenue, a line midway between 67th Place and 68th Street, a line 250 feet northwesterly of Central Avenue, 68th Street, Central Avenue, 69th Street, a line 100 feet northwesterly of Central Avenue, a line midway between 69th Street and 69th Place, 70th Avenue, 69th Place, a line 100 feet northwesterly of Myrtle Avenue, 66th Street, Central Avenue, and a line midway between 67th Street and 67th Place; and
 - c. a line 100 feet southeasterly of Myrtle Avenue, 69th Place, Luther Road and its southwesterly centerline prolongation, an easterly boundary line of Cypress Cemetery and its northwesterly prolongation, Cooper Avenue, and a line midway between 67th Street and 67th Place;
21. changing from an M1-1 District to an R5B District property bounded by Fresh Pond Road, a line 100 feet northerly of Metropolitan Avenue, 64th Street, and Metropolitan Avenue;
22. changing from an M1-4D District to an R5B District property bounded by 60th Lane, a line 360 feet northerly of 75th Avenue, a line midway between 60th Lane and 61st Street, a line 440 feet northerly of 75th Avenue, and a line 100 feet southeasterly of 60th Lane;

23. changing from an R4 District to an R5D District property bounded by 63rd Avenue, Woodhaven Boulevard, 64th Road, a line 50 feet northeasterly of 84th Place, Fleet Court, 84th Place, a line 100 feet southeasterly of Penelope Avenue, and a line 100 feet southwesterly of Woodhaven Boulevard;
24. changing from an R5 District to an R5D District property bounded by Central Avenue, 64th Place, Otto Road, 70th Avenue, a line midway between 66th Street and 66th Place, Central Avenue, 66th Street, a line 100 feet northwesterly of Myrtle Avenue, 70th Street, a line 150 feet northwesterly of Myrtle Avenue, 71st Street, a line 100 feet northwesterly of Cooper Avenue, 71st Place, a line 100 feet northwesterly of Myrtle Avenue, 73rd Place, Myrtle Avenue, 72nd Street, a line 100 feet southeasterly of Myrtle Avenue, a line 100 feet southeasterly of Cooper Avenue, a line midway between 69th Place and 70th Street, a line perpendicular to northeasterly street line 69th Place distant 225 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the northeasterly street line of 69th Place, 69th Place, a line 100 feet southeasterly of Myrtle Avenue, a line midway between 67th Street and 67th Place, Cooper Avenue, a line midway between 66th Place and 67th Street, a line 100 feet southeasterly of Myrtle Avenue, 61st Street, Myrtle Avenue, Central Avenue, a line 100 feet northwesterly of Myrtle Avenue, 64th Street, a line 150 feet northwesterly of Myrtle Avenue, and Cypress Hills Street;
25. changing from an M1-1 District to an R5D District property bounded by Cypress Hills Street, a line 150 feet northwesterly of Myrtle Avenue, 64th Street, a line 100 feet northwesterly of Myrtle Avenue, and Central Avenue;
26. establishing within an existing R4 District a C1-3 District bounded by 56th Avenue, 61st Street, 56th Drive, and a line 100 feet westerly of 61st Street;
27. establishing within a proposed R4-1 District a C1-3 District bounded by:
 - a. 56th Avenue, a line 100 feet easterly of 61st Street, 56th Drive, and 61st Street;
 - b. a line 100 feet southeasterly of 58th Road, 69th Street, Caldwell Avenue, and Brown Place;
 - c. 60th Avenue, Fresh Pond Road, a line midway between 60th Road and 60th Drive, a line 90 feet southwesterly of Fresh Pond Road, 60th Road, and a line 100 feet southwesterly of Fresh Pond Road;
 - d. Cooper Avenue, 62nd Street, a line 100 feet southeasterly of Cooper Avenue, and a line perpendicular to the southeasterly street line of Cooper Avenue distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the westerly street line of 62nd Street; and
 - e. Cooper Avenue, Cypress Hills Street, a line 100 feet southeasterly of Cooper Avenue, and a line 135 feet northeasterly of 65th Street;
28. establishing within a proposed R4B District a C1-3 District bounded by:
 - a. a line midway between 60th Road and 60th Drive, Fresh Pond Road, 60th Road, a line 100 feet northeasterly of Fresh Pond Road, Eliot Avenue, Fresh Pond Road, 60th Drive, and a line 120 feet southwesterly of Fresh Pond Road;
 - b. Metropolitan Avenue, a line 100 feet easterly of 65th Lane, a line 60 feet southerly of Metropolitan Avenue, 65th Lane, a line 100 feet southerly of Metropolitan Avenue, and 65th Street; and
 - c. Rutledge Avenue, a line 80 feet northeasterly of 88th Street, 74th Avenue, a line 90 feet northeasterly of 88th Street, 75th Avenue, and 88th Street;
29. establishing within a proposed R5B District a C1-3 District bounded by:
 - a. 58th Drive, Flushing Avenue, 59th Avenue, a line 180 feet easterly of 59th Street, a line midway between 58th Drive and 59th Avenue, and a line 250 feet easterly of 59th Street;

- b. Grand Avenue, a line perpendicular to the southeasterly street line of Grand Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Grand Avenue and the easterly street line of 61st Street, a line midway between Grand Avenue and Flushing Avenue, a line perpendicular to the northwesterly street line of Flushing Avenue distant 340 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Flushing Avenue and the easterly street line of 61st Street, Flushing Avenue, Grand Avenue, a westerly boundary line of Mount Olivet Cemetery and its northerly prolongation, a line 100 feet southeasterly of Grand Avenue, a line 100 feet southeasterly of Flushing Avenue, a line midway between Fresh Pond Road and 63rd Street, a line perpendicular to the northeasterly street line of Fresh Pond Road distant 120 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Flushing Avenue and the northeasterly street line of Fresh Pond Road, Fresh Pond Road, a line 100 feet southeasterly of Flushing Avenue, 61st Street, Flushing Avenue, a line perpendicular to the southerly street line of 58th Avenue distant 225 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 58th Avenue and the westerly street line of 61st Street, a line midway between 58th Avenue and 58th Road, a line perpendicular to the southerly street line of 58th Avenue distant 175 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of 58th Avenue and the westerly street line of 61st Street, 58th Avenue, and 61st Street;
 - c. Grand Avenue, 66th Street, a line 100 feet southeasterly of Grand Avenue, and an easterly boundary line of Mount Olivet Cemetery; and
 - d. 65th Street, a line perpendicular to the easterly street line of 65th Street distant 100 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of 65th Street and the northerly street line of Cooper Avenue, a line 100 feet northeasterly of 65th Street, a line 100 feet northerly of the second-named course, Cypress Hills Street, and Cooper Avenue;
30. establishing within a proposed R5D District a C1-3 District bounded by:
- a. 63rd Avenue, Woodhaven Boulevard, 64th Road, and a line 100 feet southwestwardly of Woodhaven Boulevard;
 - b. 61st Street, Myrtle Avenue, Central Avenue, a line 100 feet northwesterly of Myrtle Avenue, 64th Street, Central Avenue, a line midway between 65th Street and 65th Place, a line 100 feet northwesterly of Myrtle Avenue, 66th Street, Myrtle Avenue, 66th Street, and a line 100 feet southeasterly of Myrtle Avenue; and excluding the area bounded by Cypress Hills Street, Myrtle Avenue and 64th Place;
 - c. a line 100 feet northwesterly of Myrtle Avenue, 70th Street, a line 100 feet southeasterly of Cooper Avenue, 69th Place, Myrtle Avenue, 69th Street, a line 100 feet southeasterly of Myrtle Avenue, 67th Street, Myrtle Avenue, and 67th Street; and
 - d. a line 100 feet northwesterly of Myrtle Avenue, 73rd Place, Myrtle Avenue, and a line midway between 71st Place and 72nd Street;
31. establishing within an existing R4 District a C2-3 District bounded by:
- a. a line 100 feet northwesterly of Eliot Avenue, 75th Street, Eliot Avenue, and a line midway between 71st Street and 72nd Street;
 - b. 69th Street, a line midway between 62nd Drive and Juniper Boulevard South, 69th Place, and Juniper Boulevard South;
 - c. Cooper Avenue, Metropolitan Avenue, Aubrey Avenue, a line 100 feet southerly of Metropolitan Avenue, a line midway between Cooper Avenue and Aubrey Avenue, and a line perpendicular to the southeasterly street line of Cooper Avenue distant 160 feet southwestwardly (as measured along the street line) from the point of intersection of the southeasterly street line of Cooper Avenue and the southwestwardly street line of Metropolitan Avenue;
32. establishing within a proposed R4-1 District a C2-3 District bounded by:
- a. 56th Drive, a line 100 feet easterly of 59th Street, 58th Avenue, and 59th Street;

- b. 58th Road, a line 100 feet easterly of 59th Street, a line midway between 58th Road and 58th Drive, and 59th Street; and
 - c. 62nd Avenue, a line 100 feet northeasterly of Fresh Pond Road, a line 100 feet northerly of Metropolitan Avenue, and Fresh Pond Road;
33. establishing within an existing R4A District a C2-3 District bounded by 71st Street, a line 150 feet northwesterly of Myrtle Avenue, a line midway between 70th Street and 71st Street, and a line perpendicular to the southwesterly street line of 71st Street distant 140 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 71st Street and the northwesterly street line of Cooper Avenue;
34. establishing within a proposed R4B District a C2-3 District bounded by 71st Street, a line 100 feet northwesterly of Eliot Avenue, a line midway between 71st Street and 72nd Street, and Eliot Avenue;
35. establishing within a proposed R5B District a C2-3 District bounded by:
- a. a line 100 feet northerly of Metropolitan Avenue, 62nd Street, a line 125 feet northerly of Metropolitan Avenue, 64th Street, a line 110 feet northerly of Metropolitan Avenue, 65th Street, Metropolitan Avenue, and Fresh Pond Road; and
 - b. 59th Street, a line midway between 58th Road and 58th drive, a line 100 feet easterly of 59th Street, and 59th Avenue; and
36. establishing within a proposed R5D District a C2-3 District bounded by:
- a. 66th Street, a line 100 feet northwesterly of Myrtle Avenue, 67th Street, Myrtle Avenue, 67th Street, a line 100 feet southeasterly of Myrtle Avenue, 66th Street, and Myrtle Avenue;
 - b. Myrtle Avenue, 69th Place, a line 100 feet southeasterly of Myrtle Avenue, and 69th Street; and
 - c. 71st Street, Cooper Avenue, Myrtle Avenue, 70th Street, a line perpendicular to the northeasterly street line of 70th Street distant 90 feet northwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Myrtle Avenue and the northeasterly street line of 70th Street, a line midway between 70th Street and 71st Street, and a line 150 feet northwesterly of Myrtle Avenue;

as shown in a diagram (for illustrative purposes only) dated April 20, 2009 and which includes CEQR Designation E-235.

**PRE. L.U. NO.
THE GROOVE**

MANHATTAN CB - 02

20095223 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc., d/b/a The Groove, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan.

L.U. NOS. 1148 AND 1149 ARE RELATED

L.U. No. 1148

FLATBUSH REZONING

BROOKLYN CB - 14

N 090335 ZRK

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.

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).

Community District	Zoning District
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	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

* * *

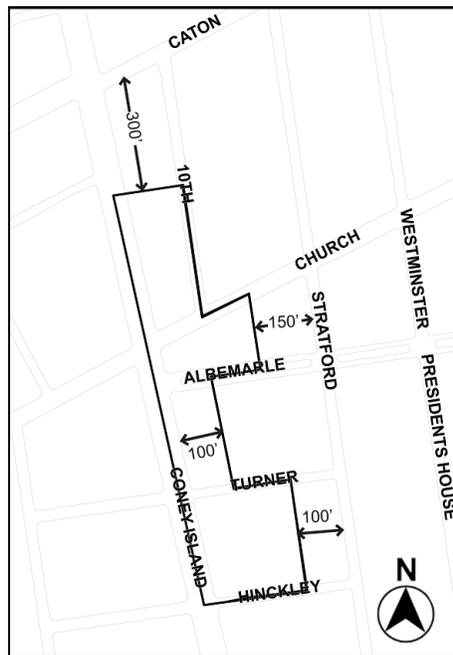
23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

* * *

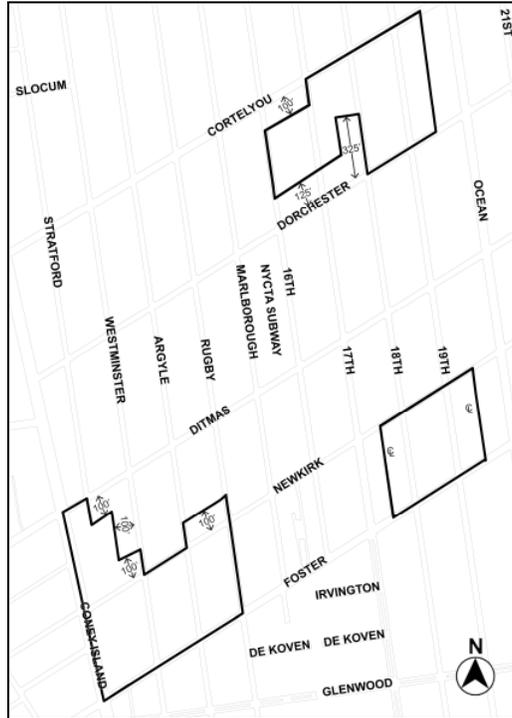
- (x) In Community District 14, in the Borough of Brooklyn, in the R7A Districts within the areas shown on the following Maps X1, X2 and X3:



Map X1. Portion of Community District 14, Brooklyn



Map X2. Portion of Community District 14, Brooklyn



Map X3. Portion of Community District 14, Brooklyn

L.U. No.

FLATBUSH REZONING

BROOKLYN CB - 14

C 090336 ZMK

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 22a, 22b, 22c and 22d:

1. eliminating from within an existing R3-1 District a C1-3 District bounded by a line 150 feet northerly of Church Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Church Avenue, and East 16th Street- Buckingham Road;
2. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. Parkside Avenue, a line 150 feet easterly of Flatbush Avenue, a line midway between Parkside Avenue and Clarkson Avenue, and a line 100 feet easterly of Flatbush Avenue;
 - b. a line 150 feet northerly of Church Avenue, a line 100 feet westerly of Rugby Road, Church Avenue, and East 10th Street;
 - c. Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line 100 feet easterly of Flatbush Avenue, Clarendon Road, a line 190 feet westerly of East 23rd Street, a line midway between Clarendon Road and Vanderveer Place, a line 250 feet westerly of East 23rd Street, a line 100 feet northeasterly of Flatbush Avenue, East 23rd Street, Ditmas Avenue, Bedford Avenue, Newkirk Avenue, a line 100 feet southwesterly of Flatbush Avenue, East 22nd Street, a line 150 feet southerly of Dorchester Road, and a line midway between East 21st Street and East 22nd Street;
 - d. a line 150 feet northerly of Cortelyou Road, East 17th Street, a line 150 feet southerly of Cortelyou Road, Stratford Road, Cortelyou Road, and a line midway between Rugby Road and Marlborough Road;
 - e. a line 120 feet northerly of Newkirk Avenue, East 16th Street, Newkirk Avenue, East 17th Street, a line 150 feet southerly of Newkirk Avenue, East 16th Street, a line 100 feet northerly of Foster Avenue, East 18th Street, Foster Avenue, Westchester Road, a line 100 feet northerly of Foster Avenue, Marlborough Road, a line 120 feet southerly of Newkirk Avenue, and Rugby Road; and
 - f. Foster Avenue, Nostrand Avenue, Glenwood Road, and a line midway between East 29th Street and Nostrand Avenue;
3. eliminating from within an existing R7-1 District a C1-3 District bounded by:
 - a. Parkside Avenue, a line 100 feet easterly of Flatbush Avenue, a line midway between Parkside Avenue and Clarkson Avenue, a line 150 feet easterly of Flatbush Avenue, a line midway between Martense Street and Church Avenue, Flatbush Avenue, a line 150 feet northerly of Church Avenue, a line 100 feet westerly of Flatbush Avenue, a line perpendicular to the northerly street line of Caton Avenue, distant 140 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Caton Avenue and the westerly street line of Flatbush Avenue, a line 150 feet northerly of Caton Avenue, a line 140 feet westerly of Flatbush Avenue, a line perpendicular to the westerly street line of Flatbush Avenue, distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Flatbush Avenue and the northerly street line of Caton Avenue, and a line 100 feet westerly of Flatbush Avenue;
 - b. a line 150 feet northerly of Church Avenue, East 21st Street, a line 150 feet southerly of Church Avenue, and the southerly prolongation of a line midway between East 16th Street- Buckingham Road and East 17th Street; and
 - c. a line midway between Beverley Road and Cortelyou Road, a line midway between Flatbush Avenue and East 21st Street, a line 150 feet southerly of Cortelyou Road, and East 21st Street;

4. eliminating from within an existing R5 District a C2-3 District bounded by Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Glenwood Avenue, a line midway between Westminster Road and Coney Island Avenue, Avenue H, and Coney Island Avenue;
5. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, East 10th Street, Church Avenue, and Coney Island Avenue;
 - b. Albemarle Road, a line 150 feet easterly of Coney Island Avenue, a line 150 feet northerly of Cortelyou Avenue, Stratford Road, Dorchester Road, and Coney Island Avenue;
 - c. Ditmas Avenue, a line 150 feet easterly of Coney Island Avenue, Newkirk Avenue, and Coney Island Avenue; and
 - d. Newkirk Avenue, Flatbush Avenue, Foster Avenue, East 26th Street, a line 250 feet southerly of Foster Avenue, Rogers Avenue, a line 500 feet southerly of Foster Avenue, a line midway between Rogers Avenue and East 28th Street, Farragut Road, East 28th Street, a line 100 feet northeasterly of Flatbush Avenue, East 29th Street, a line 150 feet northerly of Glenwood Road, a line midway between East 29th Street and Nostrand Avenue, Glenwood Road, a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place, a line 100 feet southwesterly of Flatbush Avenue, Farragut Road, East 26th Street, a line 100 feet southwesterly of Flatbush Avenue, Bedford Avenue, Foster Avenue, and a line 100 feet southwesterly of Flatbush Avenue;
6. changing from an R6 District to an R1-2 District property bounded by:
 - a. Church Avenue, a line 100 feet westerly of Stratford Road, Turner Place, and a line 100 feet easterly of Coney Island Avenue, Albemarle Road, and a line 150 feet westerly of Stratford Road;
 - b. Hinckley Place, a line 100 feet westerly of Stratford Road, Beverley Road, a line 100 feet easterly of Coney Island Avenue; and
 - c. a line 120 feet northerly of Newkirk Avenue, a line midway between East 19th Street and Ocean Avenue, Newkirk Avenue, and East 17th Street;
7. changing from an R7-1 District to an R1-2 District property bounded by:
 - a. a line 150 feet southerly of Church Avenue, the northwesterly boundary line of the MTA New York City Transit right-of-way, and the southerly prolongation of a line midway between East 16th Street-Buckingham Road and East 17th Street;
 - b. Dorchester Road, a line midway between Ocean Avenue and East 21st Street, Ditmas Avenue, and Ocean Avenue; and
 - c. a line 120 feet northerly of Newkirk Avenue, Ocean Avenue, Newkirk Avenue, and a line midway between East 19th Street and Ocean Avenue;
8. changing from an R3-1 District to an R3X District property bounded by Caton Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Church Avenue, and a line 100 feet westerly of Rugby Road;
9. changing from an R3-2 District to an R3X District property bounded by:
 - a. Beverley Road, a line midway between Marlborough Road and East 16th Street, a line 100 feet southerly of Beverley Road, a line midway between East 19th Street and Ocean Avenue, a line 150 feet northerly of Cortelyou Road, and Stratford Road;
 - b. Dorchester Road, the centerline of the MTA New York City Transit right- of-way, a line 120 feet northerly of Newkirk Avenue, Rugby Road, a line 100 feet northerly of Newkirk Avenue, a line 100 feet westerly of Westminster Road, a line 100 feet southerly of Ditmas Avenue, a line midway between Coney Island Avenue and Westminster Road, Ditmas Avenue, and Stratford Road; and

- c. Foster Avenue, Bedford Avenue, Farragut Road, a line midway between East 24th Street and Bedford Avenue, a line 100 feet northerly of Glenwood Road, Bedford Avenue, East 23rd Street, Campus Road, Avenue H, a line midway between Ocean Avenue and East 21st Street, Farragut Road, and East 21st Street;
10. changing from an R6 District to an R3X District property bounded by:
 - a. Beverley Road, Stratford Road, a line 150 feet northerly of Cortelyou Road, a line midway between East 19th Street and Ocean Avenue, Cortelyou Road, East 17th Street, a line 75 feet northerly of Cortelyou Road, East 16th Street, a line 100 feet northerly of Cortelyou Road, a line midway between Rugby Road and Marlborough Road, Cortelyou Road, a line perpendicular to the northerly street line of Cortelyou Road distant 100 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Westminster Road and the northerly street line of Cortelyou Road, a line 100 feet northerly of Cortelyou Road, Stratford Road, a line perpendicular to the westerly street line of Stratford Road distant 50 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Cortelyou Road and the westerly street line of Stratford Road, and a line 100 feet easterly of Coney Island Avenue;
 - b. a line perpendicular to the westerly street line of Stratford Road distant 225 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Stratford Road and the southerly street line of Dorchester Road, Stratford Road, Ditmas Avenue, a line midway between Coney Island Avenue and Westminster Road, a line 100 feet southerly of Ditmas Avenue, a line 100 feet easterly of Coney Island Avenue, Ditmas Avenue, and Coney Island Avenue; and
 - c. a line 100 feet southwestwardly of Flatbush Avenue, a line midway between East 26th Street and Bedford Avenue, Farragut Road, and Bedford Avenue;
11. changing from an R7-1 District to an R3X District property bounded by Beverley Road, East 16th Street, a line 100 feet southerly of Beverley Road, and the westerly boundary line of the MTA New York City Transit right-of-way;
12. changing from an R3-2 District to an R4A District property bounded by:
 - a. Farragut Road, Bedford Avenue, a line 300 feet southerly of Farragut Road, and a line midway between East 24th Street and Bedford Avenue; and
 - b. a line 300 feet northerly of Glenwood Road, Bedford Avenue, a line 100 feet northerly of Glenwood Road, and a line midway between East 24th Street and Bedford Avenue;
13. changing from an R4 District to an R4A District property bounded by:
 - a. Glenwood Road, Bedford Avenue, Campus Road, and East 23rd Street; and
 - b. Avenue H, East 19th Street, the southerly boundary line of the Long Island Rail Road right-of-way (Bay Ridge Division), and East 17th Street;

14. changing from an R6 District to an R4A District property bounded by:
 - a. a line 100 feet southerly of Cortelyou Road, Westminster Road, a line 200 feet southerly of Cortelyou Road, Stratford Road, a line 150 feet northerly of Dorchester Road, Rugby Road, a line 100 feet southerly of Cortelyou Road, a line midway between Rugby Road and Marlborough Road, a line perpendicular to the westerly street line of Marlborough Road distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Marlborough Road and the northerly street line of Dorchester Road, Marlborough Road, a line perpendicular to the easterly street line of Marlborough Road distant 200 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Marlborough Road and the southerly street line of Cortelyou Road, a line midway between Marlborough Road and East 16th Street, a line perpendicular to the westerly street line of East 16th Street distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 16th Street and the northerly street line of Dorchester Road, East 16th Street, a line 125 feet northerly of Dorchester Road, a line midway between East 17th Street and East 18th Street, a line perpendicular to the westerly street line of East 18th Street distant 325 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 18th Street and the northerly street line of Dorchester Road, Dorchester Road, and a line 80 feet westerly of Stratford Road;
 - b. a line 100 feet northerly of Farragut Road, East 26th Street, a line 100 feet northerly of Glenwood Road, Bedford Avenue, a line 350 feet northerly of Glenwood Road, a line midway between Bedford Avenue and East 26th Street, a line 250 feet southerly of Farragut Road, Bedford Avenue, Farragut Road, and a line midway between Bedford Avenue and East 26th Street; and
 - c. Glenwood Road, East 26th Street, a line 100 feet southerly of Glenwood Road, a line midway between East 26th Street and East 27th Street, Campus Road, and Bedford Avenue;
15. changing from an R3-2 District to an R5B District property bounded by a line 300 feet southerly of Farragut Road, Bedford Avenue, a line 300 feet northerly of Glenwood Road, and a line midway between East 24th Street and Bedford Avenue;
16. changing from a R5 District to an R5B District property bounded by a line 100 feet southerly of Avenue H, East 17th Street, the southerly boundary line of the Long Island Rail Road right-of-way (Bay Ridge Division), and a line midway between Coney Island Avenue and East 12th Street;
17. changing from a R6 District to an R5B District property bounded by:
 - a. a line 100 feet southerly of Cortelyou Road, a line midway between Bedford Avenue and East 23rd Street, a line 100 feet northerly of Clarendon Road, and a line 100 feet easterly of Flatbush Avenue;
 - b. a line 100 feet southerly of Clarendon Road, a line midway between East 23rd Street and Bedford Avenue, a line 125 feet northerly of Avenue D, and a line 100 feet northeasterly of Flatbush Avenue;
 - c. a line 100 feet southerly of Ditmas Avenue, a line 100 feet southwesterly of Flatbush Avenue, Foster Avenue, East 22nd Street, Newkirk Avenue, East 23rd Street, a line 100 feet northerly of Newkirk Avenue, and a line midway between East 22nd Street and East 23rd Street;
 - d. a line 100 feet northerly of Newkirk Avenue, Argyle Road, Newkirk Avenue, and Westminster Road;
 - e. Foster Avenue, a line midway between East 29th Street and Nostrand Avenue, Glenwood Road, East 29th Street, a line 100 feet northeasterly of Flatbush Avenue, a line midway between Rogers Avenue and East 28th Street, a line 500 feet southerly of Foster Avenue, Rogers Avenue, a line perpendicular to the westerly street line of Rogers Avenue distant 300 feet northerly (as measured along the street line) of the point of intersection of the westerly street line of Rogers Avenue and the northeasterly street line of Flatbush Avenue, and a line 100 feet northeasterly of Flatbush Avenue;
 - f. a line 250 feet southerly of Farragut Road, a line midway between Bedford Avenue and East 26th Street, a line 350 feet northerly of Glenwood Road, and Bedford Avenue; and
 - g. a line 100 feet southwesterly of Flatbush Avenue, a line 60 feet northwesterly of Hillel Place, Campus Road, Amersfort Place, a line 150 feet northwesterly of Glenwood Road, Kenilworth Place, Farragut Road, East 26th Street, a line 100 feet northerly of Farragut Road, and a line midway between Bedford Avenue and East 26th Street;

18. changing from an R7-1 District to an R5B District property bounded by Kenmare Terrace and its easterly centerline prolongation, a line 100 feet westerly of Flatbush Avenue, a line 100 feet southerly of Albemarle Terrace, and East 21st Street;
19. changing from an R5 District to an R5D District property bounded by Avenue H, East 17th Street, a line 100 feet southerly of Avenue H, and line midway between Coney Island Avenue and East 12th Street;
20. changing from an R5 District to an R6A District property bounded by Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Glenwood Road, a line midway between Coney Island Avenue and Westminster Road, Avenue H, and Coney Island Avenue;
21. changing from an R6 District to an R6A District property bounded by:
 - a. Caton Avenue, a line midway between Argyle Road and Rugby Road, Church Avenue, a line 100 feet easterly of East 10th Street, a line 100 feet northerly of Church Avenue, and Stratford Road;
 - b. Hinckley Place, a line 100 feet easterly of Coney Island Avenue, a line perpendicular to the westerly street line of Stratford Road distant 50 feet northerly (as measured along the street line) of the point of intersection of the westerly street line of Stratford Road and the northerly street line of Cortelyou Road, Stratford Road, a line 100 feet northerly of Cortelyou Road, a line perpendicular to the northerly street line of Cortelyou Road distant 100 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Westminster Road and the northerly street line of Cortelyou Road, Cortelyou Road, a line midway between Rugby Road and Marlborough Road, a line 100 feet northerly of Cortelyou Road, East 16th Street, a line 75 feet northerly of Cortelyou Road, East 17th Street, a line 100 feet southerly of Cortelyou Road, East 16th Street, a line perpendicular to the westerly street line of East 16th Street distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 16th Street and the northerly street line of Dorchester Road, a line midway between East 16th street and Marlborough Road, a line perpendicular to the southerly street line of Cortelyou Road distant 200 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Cortelyou Road and the easterly street line of Marlborough Road, Marlborough Road, a line perpendicular to the westerly street line of Marlborough Road distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Marlborough Road and the northerly street line of Dorchester Road, a line midway between Rugby Road and Marlborough Road, a line 100 feet southerly of Cortelyou Road, Rugby Road, a line 150 feet northerly of Dorchester Road, Stratford Road, a line 200 feet southerly of Cortelyou Road, Westminster Road, a line 100 feet southerly of Cortelyou Road, a line 80 feet westerly of Stratford Road, Dorchester Road, Stratford Road, a line perpendicular to the westerly street line of Stratford Road distant 225 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Stratford Road and the southerly street line of Dorchester Road, and Coney Island Avenue;
 - c. Cortelyou Road, Bedford Avenue, a line 100 feet northerly of Newkirk Avenue, a 100 feet westerly of Bedford Avenue, Avenue D, East 23rd Street, a line 125 feet northerly of Avenue D, a line midway between Bedford Avenue and East 23rd Street, a line 100 feet southerly of Clarendon Road, a line 100 feet northeasterly and easterly of Flatbush Avenue, a line 100 feet northerly of Clarendon Road, a line midway between Bedford Avenue and East 23rd Street, a line 100 feet southerly of Cortelyou Road, and a line 100 feet easterly of Flatbush Avenue;
 - d. a line 150 feet southerly of Dorchester Road, a line 100 feet southwesterly of Flatbush Avenue, a line 100 feet northerly of Ditmas Avenue, and a line midway between East 22nd Street and East 21st Street;
 - e. a line 120 feet northerly of Newkirk Avenue, East 17th Street, Newkirk Avenue, a line midway between East 17th Street and East 18th Street, Foster Avenue, and Rugby Road; and
 - f. Glenwood Road, East 32nd Street, Avenue H, East 31st Street, a line 100 feet northeasterly of Flatbush Avenue, and a line midway between East 31st Street and Nostrand Avenue;

22. changing from an R7-1 District to an R6A District property bounded by a line 100 feet northerly of Regent Place, a line 100 feet westerly of Flatbush Avenue, Beverley Road, a line midway between Flatbush Avenue and East 21st Street, Dorchester Road, East 21st Street, a line perpendicular to the easterly street line of Ocean Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Ocean Avenue and the southerly street line of Cortelyou Road, Ocean Avenue, Cortelyou Road, a line midway between Ocean Avenue and East 21st Street, a line 200 feet southerly of Beverley Road, and East 21st Street;
23. changing from a C4-2 District to an R6A District property bounded by:
 - a. Albemarle Road, Bedford Avenue, Tilden Avenue, and a line 100 feet westerly of Bedford Avenue; and
 - b. a line 75 feet southerly of Beverley Road, Bedford Avenue, Cortelyou Road, and a line 100 feet easterly of Flatbush Avenue;
24. changing from an R6 District to an R6B District property bounded by Caton Avenue, Stratford Road, a line 100 feet northerly of Church Avenue, a line 100 feet easterly of East 10th Street, Church Avenue, East 10th Street, a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, and Coney Island Avenue;
25. changing from an R7-1 District to an R6B District property bounded by:
 - a. Woodruff Avenue, a line perpendicular to the southerly street line of Woodruff Avenue distant 225 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Woodruff Avenue and the easterly street line of St. Paul Place, Crooke Avenue, the northwesterly boundary line of the MTA New York City Transit right-of-way, a line 100 feet southerly of Crooke Avenue, a line 100 feet easterly of St. Paul Place, and Crooke Avenue, and St. Paul Place;
 - b. a line midway between Parkside Avenue and Woodruff Avenue, a line perpendicular to the northerly street line of Woodruff Avenue distant 95 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Woodruff Avenue and the westerly street line of Flatbush Avenue, Woodruff Avenue, East 21st Street, a line perpendicular to the westerly street line of East 21st Street distant 125 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of East 21st Street and the southerly street line of Woodruff Avenue, and a line midway between East 21st Street and Ocean Avenue and its northerly prolongation;
 - c. Clarkson Avenue, a line 250 feet easterly of Flatbush Avenue, a line midway between Clarkson Avenue and Lenox Road, a line 375 feet easterly of Flatbush Avenue, Lenox Road, a line 225 feet easterly of Flatbush Avenue, Caton Avenue, a line 100 feet easterly of Flatbush Avenue; and
 - d. a line midway between Caton Avenue and Linden Boulevard, a line 350 feet westerly of Caton Avenue, Linden Boulevard, a line 425 feet westerly of Bedford Avenue, Martense Street, a line 250 feet westerly of Bedford Avenue, a line midway between Martense Street and Church Avenue, a line 475 feet westerly of Bedford Avenue, Martense Street, and a line 100 feet easterly of Flatbush Avenue;
26. changing from a C4-2 District to an R6B District property bounded by Duryea Place, East 22nd Street, Beverley Road, Bedford Avenue, a line 75 feet southerly of Beverley Road, a line 100 feet easterly of Flatbush Avenue;
27. changing from an R3-2 District to an R7A District property bounded by:
 - a. a line 100 feet southerly of Ditmas Avenue, a line 100 feet westerly of Westminster Road, a line 100 feet northerly of Newkirk Avenue, and a line 150 feet easterly of Coney Island Avenue; and
 - b. Foster Avenue, East 21st Street, Farragut Road, and a line midway between Ocean Avenue and East 21st Street;

28. changing from an R4 District to an R7A District property bounded by Avenue H, a line midway between East 19th Street and Ocean Avenue; the southerly boundary line of the Long Island Rail Road right-of-way (Bay Ridge Division), and East 19th Street;
29. changing from an R6 District to an R7A District property bounded by:
 - a. a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, East 10th Street, Church Avenue, a line 150 feet westerly of Stratford Road, Albemarle Road, a line 100 feet easterly of Coney Island Avenue, Turner Place, a line 100 feet westerly of Stratford Road, Hinckley Place, and Coney Island Avenue;
 - b. Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line 100 feet easterly and northeasterly of Flatbush Avenue, a line 125 feet northerly of Avenue D, East 23rd Street, Avenue D, a line 100 feet westerly of Bedford Avenue, a line 100 feet northerly of Newkirk Avenue, Bedford Avenue, Flatbush Avenue, Foster Avenue, a line 100 feet northeasterly of Flatbush Avenue, a line perpendicular to the westerly street line of Rogers Avenue distant 300 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Rogers Avenue and the northeasterly street line of Flatbush Avenue, Rogers Avenue, a line 500 feet southerly of Foster Avenue, a line midway between Rogers Avenue and East 28th Street, a line 100 feet northeasterly of Flatbush Avenue, East 29th Street, a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place, a line midway between Flatbush Avenue and Kenilworth Place, Farragut Road, a line 100 feet southwesterly of Flatbush Avenue, Bedford Avenue, Foster Avenue, a line 100 feet southwesterly of Flatbush Avenue, a line 100 feet southerly of Ditmas Avenue, a line midway between East 22nd Street and East 23rd Street, a line 100 feet northerly of Newkirk Avenue, East 23rd Street, Newkirk Avenue, East 22nd Street, Foster Avenue, a line midway between East 22nd Street and East 21st Street, a line 100 feet northerly of Ditmas Avenue, a line 100 feet southwesterly of Flatbush Avenue, East 22nd Street, a line 150 feet southerly of Dorchester Road, a line midway between East 21st Street and East 22nd Street, Dorchester Road, and a line midway between East 21st Street and Flatbush Avenue;
 - c. Cortelyou Road, a line midway between East 19th Street and Ocean Avenue, Dorchester Road, East 18th Street, a line perpendicular to the westerly street line of East 18th Street distant 325 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of East 18th Street and the northerly street line of Dorchester Road, a line midway between East 17th Street and East 18th Street, a line 125 feet northerly of Dorchester Road, East 16th Street, a line 100 feet southerly of Cortelyou Road, and East 17th Street;
 - d. Ditmas Avenue, a line 100 feet easterly of Coney Island Avenue, a line 100 feet southerly of Ditmas Avenue, a line midway between Coney Island Avenue and Westminster Road, a line 100 feet northerly of Newkirk Avenue, Westminster Road, Newkirk Avenue, Argyle Road, a line 100 feet northerly of Newkirk Avenue, Rugby Road, Foster Avenue, and Coney Island Avenue;
 - e. Newkirk Avenue, a line midway between East 19th Street and Ocean Avenue, Foster Avenue, a line midway between East 17th Street and East 18th Street;
 - f. Farragut Road, Kenilworth Place, a line 150 feet northwesterly of Glenwood Road, Amersfort Place, Campus Road, a line midway between East 27th Street and East 26th Street, a line 100 feet southerly of Glenwood Road, East 26th Street, Glenwood Road, Bedford Avenue, a line 100 feet northerly of Glenwood Road, and East 26th Street; and
 - g. Foster Avenue, Nostrand Avenue, Glenwood Road, and a line midway between Nostrand Avenue and East 29th Street;

30. changing from an R7-1 District to an R7A District property bounded by Parkside Avenue, Flatbush Avenue, Clarkson Avenue, a line 100 feet easterly of Flatbush Avenue, Caton Avenue, a line 225 feet easterly of Flatbush Avenue, Lenox Road, a line 375 feet easterly of Flatbush Avenue, a line midway between Clarkson Avenue and Lenox Road, a line 250 feet easterly of Flatbush Avenue, Clarkson Avenue, Bedford Avenue, a line midway between Martense Street and Church Avenue, a line 250 feet westerly of Bedford Avenue, Martense Street, a line 425 feet westerly of Bedford Avenue, Linden Boulevard, a line 350 feet westerly of Caton Avenue, a line midway between Caton Avenue and Linden Boulevard, a line 100 feet easterly of Flatbush Avenue, Martense Street, a line 475 feet westerly of Bedford Avenue, a line midway between Martense Street and Church Avenue, Flatbush Avenue, a line 150 feet northerly of Church Avenue, East 21st Street, Church Avenue, Flatbush Avenue, a line 100 feet southerly of Church Avenue, a line 100 feet westerly of Flatbush Avenue, Kenmare Terrace and its easterly centerline prolongation, East 21st Street, a line 100 feet southerly of Albemarle Terrace, a line 100 feet westerly of Flatbush Avenue, a line 100 feet northerly of Regents Place, East 21st Street, a line 200 feet southerly of Beverley Road, a line midway between Ocean Avenue and East 21st Street, Cortelyou Road, Ocean Avenue, a line perpendicular to the easterly street line of Ocean Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Ocean Avenue and the southerly street line of Cortelyou Road, East 21st Street, Dorchester Road, a line midway between East 21st Street and East 22nd Street, Foster Avenue, a line midway between Ocean Avenue and East 21st Street, Campus Road, Avenue H, a line midway between Ocean Avenue and East 19th Street, Newkirk Avenue, Ocean Avenue, Ditmas Avenue, a line midway between Ocean Avenue and East 21st Street, Dorchester Road, a line midway between East 19th Street and Ocean Avenue, a line 100 feet southerly of Beverley Road, East 16th Street, Beverley Road, the westerly boundary line of MTA New York City Transit right-of-way, a line 150 feet southerly of Church Avenue, a line perpendicular to the southerly street line of Church Avenue distant 80 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Church Avenue and the easterly street line of Buckingham Road, Church Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Caton Avenue, and Parade Place, and excluding the areas bounded by:
- a. Woodruff Avenue, Ocean Avenue, Crooke Avenue, the northwesterly boundary line of the MTA New York City Transit right-of-way, a line 100 feet southerly of Crooke Avenue, a line 100 feet easterly of St. Paul Place, and Crooke Avenue, and St. Paul Place;
 - b. a line midway between Parkside Avenue and Woodruff Avenue, a line perpendicular to the northerly street line of Woodruff Avenue distant 95 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Woodruff Avenue and the westerly street line of Flatbush Avenue, Woodruff Avenue, East 21st Street, a line perpendicular to the westerly street line of East 21st Street distant 125 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of East 21st Street and the southerly street line of Woodruff Avenue, and a line midway between East 21st Street and Ocean Avenue and its northerly prolongation;
31. changing from a C4-2 District to a C4-4A District property bounded by a line 150 feet northerly of Church Avenue, Flatbush Avenue, a line midway between Martense Street and Church Avenue, Bedford Avenue, Snyder Avenue, a line 200 feet westerly of Bedford Avenue, Albemarle Road, a line 100 feet easterly of Flatbush Avenue, Tilden Avenue, Flatbush Avenue, Duryea Place, a line 100 feet easterly of Flatbush Avenue, Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line midway between East 21st Street and Flatbush Avenue, Beverley Road, a line 100 feet westerly of Flatbush Avenue, a line 100 feet southerly of Church Avenue, Flatbush Avenue, Church Avenue, and East 21st Street;
32. changing from a C4-3 District to a C4-4A District property bounded by Glenwood Road, a line midway between East 31st Street and Nostrand Avenue, a line 100 feet northeasterly of Flatbush Avenue, East 31st Street, Avenue H, Campus Road, a line 60 feet northwesterly of Hillel Place, a line midway between Flatbush Avenue and Kenilworth Place, and a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place;

33. establishing within a proposed R3X District a C2-4 District bounded by a line 100 feet northerly of Church Avenue, a line midway between East 16th Street- Buckingham Road and East 17th Street, Church Avenue, and East 16th Street;
34. establishing within a proposed R5B District a C2-4 District bounded by a line 100 feet northerly of Glenwood Road, a line midway between Nostrand Avenue and East 29th Street, Glenwood Road, and East 29th Street;
35. establishing within a proposed R5D District a C2-4 District bounded by:
 - a. Avenue H, East 14th Street, a line 100 feet southerly of Avenue H, and East 13th Street, and
 - b. Avenue H, East 17th Street, a line 100 feet southerly of Avenue H, and East 15th Street;
36. establishing within a proposed R6A District a C2-4 District bounded by:
 - a. a line 100 feet northerly of Church Avenue, a line midway between Argyle Road and Rugby Road, Church Avenue, and a line 100 feet easterly of East 10th Street;
 - b. Hinckley Place, a line 100 feet easterly of Coney Island Avenue, a line perpendicular to the westerly street line of Stratford Road, distant 50 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Stratford Road and the northerly street line of Cortelyou Road, Stratford Road, a line 100 feet northerly of Cortelyou Road, a line perpendicular to the northerly street line of Cortelyou Road, distant 100 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Cortelyou Road and the westerly street line of Westminster Road, Cortelyou Road, a line midway between Rugby Road and Marlborough Road, a line 100 feet northerly of Cortelyou Road, East 16th street, a line 75 feet northerly of Cortelyou Road, East 17th Street, a line 100 feet southerly of Cortelyou Road, a line 80 feet westerly of Stratford Road, Dorchester Road, and Coney Island Avenue;
 - c. a line 100 feet northerly of Cortelyou Road, a line midway between Flatbush Avenue and East 21st Street, a line 100 feet southerly of Cortelyou Road, and East 21st Street;
 - d. Clarendon Road, a line 190 feet westerly of East 23rd Street, a line 100 feet southerly of Clarendon Road, and a line 100 feet northeasterly of Flatbush Avenue;
 - e. a line 120 feet northerly of Newkirk Avenue, East 16th Street, Newkirk Avenue, East 17th Street, a line 100 feet southerly of Newkirk Avenue, a line midway between East 17th Street and East 16th Street, a line 150 feet southerly of Newkirk Avenue, East 16th Street, Foster Avenue, Rugby Road, a line 100 feet northerly of Foster Avenue, Marlborough Road, a line 100 feet southerly of Newkirk Avenue, and Rugby Road;
 - f. a line 100 feet northerly of Foster Avenue, a line midway between East 18th Street and East 17th Street, Foster Avenue, and East 17th Street;
 - g. Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Glenwood Road, a line midway between Coney Island Avenue and Westminster Road, Avenue H, and Coney Island Avenue; and
 - h. a line 100 feet northerly of Avenue H, a line midway between East 31st Street and East 32nd Street, Avenue H, and East 31st Street;
37. establishing within a proposed R6B District a C2-4 District bounded by a line 100 feet northerly of Church Avenue, a line 100 feet easterly of East 10th Street, Church Avenue, and East 10th Street; and
38. establishing within a proposed R7A District a C2-4 District bounded by:
 - a. Parkside Avenue, Flatbush Avenue, Clarkson Avenue, a line 100 feet easterly of Flatbush Avenue, a line midway between Martense Street and Church Avenue, Flatbush Avenue, a line 150 feet northerly of Church Avenue, a line 100 feet westerly of Flatbush Avenue, Woodruff Avenue, a line perpendicular to the northerly street line of Woodruff Avenue distant 95 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Woodruff Avenue and the westerly street line of Flatbush Avenue, a line midway between Parkside Avenue and Woodruff Avenue, and Ocean Avenue;

- b. a line 100 feet northerly of Church Avenue, East 21st Street, a line 100 feet southerly of Church Avenue, the westerly boundary line of the MTA New York City Transit right-of-way, a line 150 feet southerly of Church Avenue, a line perpendicular to the southerly street line of Church Avenue distant 80 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Church Avenue and the easterly street line of Buckingham Road, Church Avenue, and a line midway between East 16th Street- Buckingham Road and East 17th Street;
- c. a line perpendicular to the easterly street line of Coney Island Avenue distant 300 feet southerly (as measured along the street line) from the point of intersection of easterly street line of Coney Island Avenue and the southerly street line of Caton Avenue, East 10th Street, Church Avenue, a line 100 feet easterly of Coney Island Avenue, Hinckley Place, and Coney Island Avenue;
- d. Ditmas Avenue, a line 100 feet easterly of Coney Island Avenue, Newkirk Avenue, and Coney Island Avenue;
- e. a line perpendicular to the easterly street line of Coney Island Avenue distant 200 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Coney Island Avenue and the northerly street line of Foster Avenue, a line 100 feet easterly of Coney Island Avenue, Foster Avenue, and Coney Island Avenue;
- f. a line 100 feet northerly of Foster Avenue, Rugby Road, Foster Avenue, and Westminster Road;
- g. a line 100 feet northerly of Foster Avenue, East 18th Street, Foster Avenue, and a line midway between East 17th Street and East 18th Street;
- h. Cortelyou Road, Flatbush Avenue, Cortelyou Road, a line 100 feet easterly and northeasterly of Flatbush Avenue, a line 125 feet northerly of Ditmas Avenue, East 23rd Street, Ditmas Avenue, a line 100 feet westerly of Bedford Avenue, a line 100 feet northerly of Newkirk Avenue, Bedford Avenue, Flatbush Avenue, Foster Avenue, a line 100 feet northeasterly of Flatbush Avenue, a line perpendicular to the westerly street line of Rogers Avenue distant 300 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Rogers Avenue and the northeasterly street line of Flatbush Avenue, Rogers Avenue, a line 500 feet southerly of Foster Avenue, a line midway between Rogers Avenue and East 28th Street, a line 100 feet northeasterly of Flatbush Avenue, East 29th Street, a line perpendicular to the southwesterly street line of Flatbush Avenue distant 400 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Flatbush Avenue and the northwesterly street line of Hillel Place, a line midway between Flatbush Avenue and Kenilworth Place, Farragut Road, a line 100 feet southwesterly of Flatbush Avenue, Bedford Avenue, Foster Avenue, a line 100 feet southwesterly of Flatbush Avenue, East 22nd Street, Dorchester Road, and a line midway between Flatbush Avenue and East 21st Street; and
- i. Foster Avenue, Nostrand Avenue, Glenwood Road, and a line midway between Nostrand Avenue and East 29th Street;

as shown on a diagram (for illustrative purposes only) dated March 2, 2009 and which includes CEQR Designation E-233.

L.U. NOS. 1150 AND 1151 ARE RELATED

L.U. No. 1150

ARC RAIL ROAD PASSENGER STATION

MANHATTAN CB'S - 04 AND 05

N 090262 ZRM

Application submitted by the Port Authority of New York and New Jersey, 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 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan.

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 VII

Chapter 4

Special Permits by the City Planning Commission

* * *

74-60

PUBLIC SERVICE OR TRANSPORTATION FACILITIES

* * *

74-62

Railroad Passenger Stations

(a) Except as provided in paragraph (b), the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:

- (a~~1~~) that the principal access for such #use# is not located on a local #street#;
- (b~~2~~) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas; and
- (e~~3~~) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than the #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
 - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
 - (ii) that the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the City Planning Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to sixty days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) this Section.

L.U. No. 1151
ARC RAIL ROAD PASSENGER STATION
MANHATTAN CB'S - 04 AND 05 **C 090263 (A) ZSM**

Application submitted by the Port Authority of New York and New Jersey, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-62(b) of the Zoning Resolution:

1. to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and
2. to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C64-5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts.

L.U. No. 1153
ALI BABA
MANHATTAN CB - 06 **20095410 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ali Baba's Terrace Inc., d/b/a Ali Baba, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 862 Second Avenue, Borough of Manhattan.

L.U. No. 1156
GIN LANE
MANHATTAN CB - 04 **20095172 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Lucky 13, LLC, d/b/a Gin Lane, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 355 West 14th Street, Borough of Manhattan.

L.U. No. 1157
CHEZ JOSEPHINE LTD.

MANHATTAN CB - 04

20095437 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Chez Josephine Ltd., d/b/a Chez Josephine, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 414 West 42nd Street, Borough of Manhattan.

L.U. No. 1158
PIZZA FROM NAPLES

MANHATTAN CB - 02

20095246 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of La Meridiana, Ltd., d/b/a Pizza From Naples, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 26-28 Carmine Street, Borough of Manhattan.

L.U. No. 1159
THE SLAUGHTERED LAMB PUB

MANHATTAN CB - 02

20095379 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of S.L.P. Management Inc., d/b/a The Slaughtered Lamb Pub, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 182 West 4th Street, Borough of Manhattan.

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 a.m. on Monday, July 27, 2009.

PRE. L.U. No.

C&D BUILDING-BELLEVUE HOSPITAL CENTER

MANHATTAN CB - 06

20105001 HHM

Application submitted by the New York Health and Hospitals Corporation pursuant to §7385(6) of its Enabling Act requesting the approval of the lease of an approximately 25,000 square feet of space on the 3rd floor of the “C&D Building” on the campus of Bellevue Hospital Center between the Health and Hospitals Corporation and the City University of New York for use as a clinical simulation laboratory.

PRE. L.U. No.

612-SEAT PRIMARY/INTERMEDIATE SCHOOL, BRONX

BRONX CB - 07

20095458 SCX

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 612-seat primary/intermediate school facility, to be located at 3177 Webster Avenue, between East 204th Street and East 205th Street (Block 3353, Lot 40), serving Community School District No. 10, Borough of the Bronx.

PRE. L.U. No.

FORT WASHINGTON PRESBYTERIAN CHURCH

MANHATTAN CB - 12

20095655 HKM (N 090458 HKM)

Designation (List No. 414/LP-2337) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of Fort Washington Presbyterian Church, located at 21 Wadsworth Avenue (aka 21-27 Wadsworth Avenue, 617-619 West 174th Street) (Block 2143, Lot 38 in part), as an historic landmark.

PRE. L.U. No.

FILLMORE PLACE HISTORIC DISTRICT

BROOKLYN CB - 01

20095656 HKK (N 090460 HKK)

Designation (List 413, LP 2333) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter for the landmark designation of the Fillmore Place Historic District. The district boundaries are: bounded by a line beginning at the intersection of the northern curbline of Fillmore Place and the western curbline of Roebling Street, continuing southerly across the roadbed of Fillmore Place and along the western curbline of Roebling Street to a point formed by its intersection with a line extending easterly from the southern property line of 168 Roebling Street, westerly along said line and the southern property line of 168 Roebling Street, southerly along a portion of the eastern property line of 30 Fillmore Place, westerly along the southern property lines of 30 through 18 Fillmore Place, southerly along a portion of the eastern property line of 16 Fillmore Place, westerly along the southern property lines of 16 through 10 Fillmore Place, northerly along a portion of the western property line of 10 Fillmore Place, westerly along the southern property line of 675 Driggs Avenue to the eastern curbline of Driggs Avenue, northerly along said curbline to a point formed by its intersection with a line extending easterly from the northern curbline of North 1st Street, westerly across the roadbed of Driggs Avenue and along the northern curbline of North 1st Street to a point formed by its intersection with a line extending southerly from the western property line of 676 Driggs Avenue, northerly along the western property lines of 676 through 662 Driggs Avenue, easterly along the northern property line of 662 Driggs Avenue to the western curbline of Driggs Avenue, southerly along said curbline to a point formed by its intersection with a line extending westerly from the northern property line of 667 Driggs Avenue, easterly along said line across the roadbed of Driggs Avenue and along the northern property lines of 667 Driggs Avenue and 7 Fillmore Place, northerly along a portion of the western property line of 9 Fillmore Place, easterly along the northern property lines of 9 through 21 Fillmore Place, southerly along a portion of the eastern property line of 21 Fillmore Place, easterly along the northern property line of 23 Fillmore Place, southerly along the eastern property line of 23 Fillmore Place to the northern curbline of Fillmore Place, easterly along said curbline to the point of the beginning.

AUDUBON PARK HISTORIC DISTRICT

MANHATTAN CB - 12

20095657 HKM (N 090459 HKM)

Designation (List 414, LP-2335) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter for the Audubon Park Historic District. The district boundaries are: property bounded by a line beginning at the intersection of the southern curbline of West 156th Street and the western curbline of Broadway, extending northerly across West 156th Street and continuing northwesterly along the southwestern curbline of Edward M. Morgan Place to its intersection with the southeastern curbline of Riverside Drive, continuing northeasterly across Edward M. Morgan Place to the intersection of the northeastern curbline of Edward M. Morgan Place with the southern curbline of West 158th Street, easterly along the southern curbline of West 158th Street to a point formed by its intersection with a line extending southerly from the eastern property line of 609 West 158th Street, northerly across the roadbed and along said property line to the northern property line of 611 West 158th Street (aka 810 Riverside Drive) to the western property line of 611 West 158th Street (aka 810 Riverside Drive), southerly along said property line to the northern curbline of West 158th Street, westerly across Riverside Drive and along said curbline to a point formed by its intersection with a line extending northerly from the western property line of 807 Riverside Drive (aka 620-624 West 158th Street), southerly across the roadbed and along said property line to the northern property line of 801 Riverside Drive, westerly along a portion of said property line to the western property line of 801 Riverside Drive, southerly along portion of said property line to the northern property line of 779 Riverside Drive (aka 779-789 Riverside Drive), westerly along said property line to the western property line of 779 Riverside Drive (aka 779-789 Riverside Drive), southerly along said property line to the northern property line of 775 Riverside Drive (aka 773-777 Riverside Drive), westerly along a portion of said property line and along the northern property line of Manhattan Tax Map Block 2134 Lot 250 to the northeastern curbline of Riverside Drive West, southeasterly and easterly along said curbline, continuing easterly along the southern curbline of Riverside Drive, easterly across Riverside Drive to the eastern curbline of Riverside Drive, southerly along said curbline to its intersection with the northern curbline of West 155th Street, easterly along said curbline to a point formed by its intersection with a line extending southerly from the eastern property line of 780 Riverside Drive (aka 780-784 Riverside Drive; 635-639 West 155th Street), northerly along said property line and along the eastern property line of 788 Riverside Drive (aka 786-788 Riverside Drive; 640-642 West 156th Street) to the southern curbline of West 156th Street, easterly along said curbline to the point of the beginning.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 1:00 p.m. on Monday, July 27, 2009.

L.U. No. 1090

ALBANY CROSSINGS APARTMENTS

BROOKLYN CB - 3

20095467 HAK

Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to the conveyance by a redevelopment company for property located at Block 1859/Lot 1, Council District 36, Borough of Brooklyn.

L.U. No. 1091

KINGSTON HEIGHTS APARTMENTS

BROOKLYN CB - 3

20095468 HAK

Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to the conveyance by a redevelopment company, for property located at Block 1851/Lots 58 and 61, Council District 36, Borough of Brooklyn.

L.U. No. 1131

UHAB

MANHATTAN CB – 3

20095673 HAM

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law, for a modification to a previously approved Urban Development Action Area Project and related tax exemption for property located at 21 Avenue C, Borough of Manhattan, Council District no. 2.

L.U. No. 1132

UHAB

MANHATTAN CB - 3

20095674 HAM

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Section 577 of the Private Housing Finance Law, for a modification to a previously approved Urban Development Action Area Project and related tax exemption for property located at 209 East 7th Street, Borough of Manhattan, Council District no. 2.

L.U. NOS. 1143 - ARE RELATED

L.U. No.

HUDSON RIVER PIERS 92 AND 94

MANHATTAN CB - 04

C 090223 ZAM

Application submitted the New York City Economic Development Corporation and MMPI Piers LLC for the grant of authorizations pursuant to the following sections of the Zoning Resolution:

- a. Section 62-722(a) to modify the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards); and
- b. Section 62-722(b) to modify the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA);

in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

L.U. No. 1143

HUDSON RIVER PIERS 92 AND 94

MANHATTAN CB - 04

C 090220 PPM

Application submitted by the New York City Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located at Piers 92 and 94, westerly of route 9A (Miller Highway) between West 51st and 55th streets (Block 1109, Lots 5 and 30) and p/o Marginal Street, Wharf or Place), pursuant to zoning.

HUDSON RIVER PIERS 92 AND 94

MANHATTAN CB - 04

C 090221 ZSM

Application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

L.U. No. 1145

HUDSON RIVER PIERS 92 AND 94

MANHATTAN CB - 04

C 090222 ZSM

Application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-734(b) of the Zoning Resolution to modify the height and setback and length requirements of Section 62-342 (Developments on Piers) for a structure on a pier in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

L.U. No. 1147

COLLEGE POINT CORPORATE PARK

QUEENS CB - 07

C 090320 PPQ

Application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of nine (9) city-owned properties in the College Point Corporate Park, pursuant to zoning.

DOT GLENDALE MAINTENANCE YARDS

QUEENS CB - 06

C 070429 MMQ

Application submitted by the Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 70th Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70th Avenue and 70th Road;

in accordance with Map No. 4998, dated December 15, 2008, and signed by the Borough President.

L.U. Nos. 1089, 1092 - 1094, 1109, 1110, 1133 AND PRECONSIDERED.

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law for Pre. L.U. Nos. 20105023 and 20105024; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 577 of the Private Housing Finance Law for L.U. Nos. 1089, 1092-1094, and 1110.

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
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1089	20095466 HAK	1050 Hancock Street Brooklyn	3395/11	T.I.L.	04	Sect. 577
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Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on April 30, 2009, May 14, 2009, June 2, 2009 and June 23, 3009.

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
1092	20095469 HAM	133-41 West 140 th Street Manhattan	2009/23	T.I.L.	10	Sect. 577
<i>Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on April 30, 2009, May 14, 2009, June 2, 2009 and June 23, 3009.</i>						
1093	20095470 HAM	211 West 135 th Street Manhattan	1941/23	T.I.L.	10	Sect. 577
<i>Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on April 30, 2009, May 14, 2009, June 2, 2009 and June 23, 3009.</i>						
1094	20095471 HAM	2460 7 th Avenue Manhattan	2029/29	T.I.L.	10	Sect. 577
<i>Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on April 30, 2009, May 14, 2009, June 2, 2009 and June 23, 3009.</i>						
1109	20095572 HAM	63 Thompson Street Manhattan	489/35	Substantial Rehabilitation	02	
<i>Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on June 2, 2009 and June 23, 2009.</i>						
1110	20095594 HAM	152 East 116 th Street Manhattan	1643/51	T.I.L.	11	Sect. 577
<i>Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on June 2, 2009 and June 23, 2009.</i>						
1133	20095675 HAK	330 Ashford Street 329 Van Siclen Avenue 9 Chestnut Street 341 Ashford Street 342 Van Siclen Avenue 2358 Pitken Avenue 2362 Pitken Avenue 492 Glenmore Avenue 496 Glenmore Avenue 521 Linwood Street 525-27 Linwood Street 535 Linwood Street 315 Jerome Street Brooklyn	3999/19 4010/6 4104/23 4000/3 4009/47 4015/22 4015/23 3725/12 3725/13 4035/115 4035/13 4035/113 3998/6	New Foundations	5	
<i>Laid over from meeting of Subcommittee on Planning, Disposition and Concessions on June 23, 2009.</i>						
Pre.	20105023 HAK	554 Snediker Avenue 558 Snediker Avenue 429 Newport Street 1118 Blake Avenue 1122 Blake Avenue Brooklyn	3833/43 3833/44 3833/47 4072/25 4072/27	New Foundations	5	Sect. 696

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
Pre.	20105024 HAK	461 New Jersey Avenue 743 Blake Avenue 510 Vermont Street 467 Vermont Street 426 Wyona Street 430 Wyona Street Brooklyn	3773/56 3775/150 3790/49 3791/25 3791/26 3791/28	New Foundations	5	Sect. 696

LAND USE COMMITTEE

The Land Use Committee will hold a meeting in the Council Committee Room, City Hall, New York City, New York, commencing at 10:00 a.m. on Tuesday, July 28, 2009, and will consider all items reported out of the Subcommittees at the meetings held on Monday, July 27, 2009 and conduct such other business as may be necessary.