# APPENDIX A

# PROPOSED ZONING TEXT AMENDMENTS

**LR ITEM 3**
**ATTACHMENT A**
**PROPOSED HALLETTS POINT TEXT AMENDMENTS**

March 7, 2013

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
* indicates asterisk to be deleted; [1] superscript number to be added

**23-90**

**INCLUSIONARY HOUSING**

*** * ***

**23-952**
**Floor area compensation in Inclusionary Housing designated areas**

The provisions of this Section shall apply in #Inclusionary Housing designated areas# set forth in APPENDIX F of this Resolution.

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

| District | Base #floor area ratio# | Maximum #floor area ratio# |
|---|---|---|
| R6B | 2.00 | 2.20 |
| R6* (del*)1 | 2.20 | 2.42 |
| R6**2 R6A R7-2*1 | 2.70 | 3.60 |
| R7A R7-2**2 | 3.45 | 4.60 |
| R7-3 | 3.75 | 5.0 |
| R7D | 4.20 | 5.60 |
| R7X | 3.75 | 5.00 |
| R8 | 5.40 | 7.20 |
| R9 | 6.00 | 8.00 |
| R9A | 6.50 | 8.50 |
| R9D | 7.5 | 10.0 |
| R10 | 9.00 | 12.00 |

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*1 for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

**2 for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

* * *

**Article VI**

**Chapter 2**
**SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA**

*** * ***

**62-132**
**Applicability of Article VII, Chapters 4, 8 & 9**

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The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

(a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

For the purposes of modifying the height and setback regulations of Section 62-341, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

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**62-32**
**Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks**

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**62-322**
**Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts**

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) through Section 23-15 (Maximum Floor Area Ratio in R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the following table, except as provided for in Sections 23-952 (Floor area compensation in Inclusionary Housing designated areas), 62-323 (Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR RESIDENTIAL BUILDINGS
OR RESIDENTIAL PORTIONS OF BUILDINGS

| District | Maximum #Floor Area Ratio# *1 | Maximum #Lot Coverage# (in percent) |
|---|---|---|
| R1 R2 | .50 | 35 |
| R6B | 2.00 | 60 |
| R6 | 2.43 | 65 |
| R6A R7B | 3.00 | 65 |
| R7-1 R7-2 | 3.44 | 65 |
| R7A R8B | 4.00 | 70 |
| R7D | 4.20 | 70 |
| R7-3 R7X | 5.00 | 70 |
| R8 R8A R8X | 6.02 | 70 |
| R9 R9A | 7.52 | 70 |
| R9-1 R9X | 9.00 | 70 |
| R10 | 10.00 *2 | 70 |

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1 In #Inclusionary Housing designated areas#, the #floor area ratio# has been modified, pursuant to Section 23-952 (Floor area compensation in Inclusionary Housing designated areas)

*2 In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)

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**62-40**
**SPECIAL PARKING AND LOADING REGULATIONS**

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**62-45**
**Supplementary Regulations for All Parking Facilities**

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**62-454**
**Off-street parking in large-scale general developments in Community District 1 in Queens**

For #large-scale general developments# approved by the City Planning Commission within the Halletts Point Peninsula in Community District 1, in the Borough of Queens, #floor area# shall not include floor space used for off-street parking spaces provided in any #story# located not more than 33 feet above the #base plane#, provided that where such facilities front upon #streets# and #waterfront public access areas#, such spaces are within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #street# or #waterfront public access areas#. Such floor space shall have a minimum depth of 18 feet.

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**ARTICLE VI**

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**Chapter 3**
**SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES**

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**63-02**
**Applicability**

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.

(a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (b) of this Section:

(1) in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;

(2) in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;

(3) in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and

(4) in the Borough of Queens, the #Special Downtown Jamaica District#; ~~, and~~ portions of Community District 12 outside of the #Special Downtown Jamaica District#, except

those portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B.

(b) The provisions of this Chapter shall not apply to the following Special Purpose Districts:

#Special Madison Avenue Preservation District#;

#Special Manhattanville Mixed Use District#;

#Special Park Improvement District#; and

#Special Hunts Point District#.

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**63-25**
**Required Accessory Off-street Parking Spaces in Certain Districts**

(a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store#.

(b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking requirement category B in the applicable #Commercial# and #Manufacturing Districts#.

(c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.

(d) The provisions of this Section shall not apply to:

(1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix ~~B~~C of this Chapter;

(2) in the Borough of Brooklyn, portions of Community District 5, as shown on Map 2 in Appendix ~~B~~C;

(3) in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix ~~B~~C and

(4) in the Borough of Queens, the #Special Downtown Jamaica District#.

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**Appendix A**
**FRESH Food Store Designated Areas: Excluded Portions**

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability) ~~of this Chapter~~. Excluded portions of community districts are shown on the following maps:

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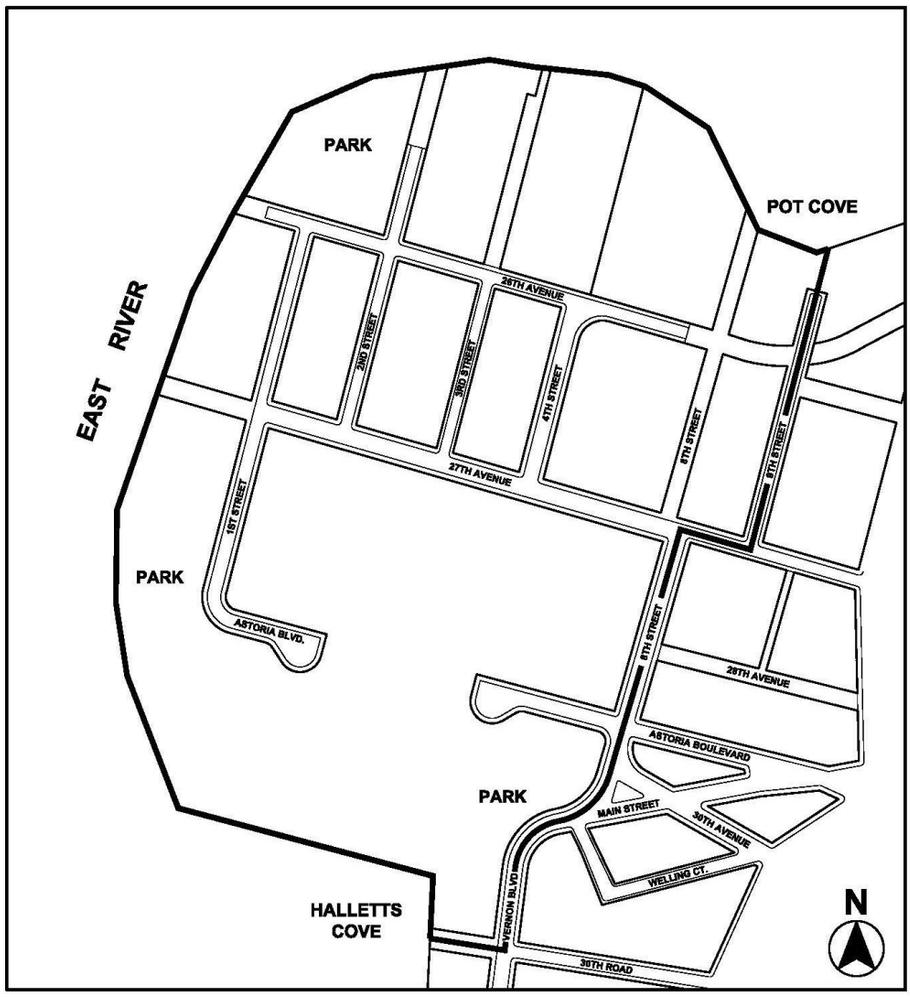
**Appendix B**

**FRESH Food Store Designated Areas: Included Portions**

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability). When a #FRESH food store# designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens




~~(12/9/09)~~

**Appendix ~~B~~C Required Off-Street Accessory Parking Exceptions**

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**74-74**
**Large Scale General Development**

* * *

**74-742**
**Ownership**

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-

Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

* * *

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

(a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or

(b) owned by the Federal government and is within Brooklyn Community District 2; or

(c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership.; or

d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

(i) tracts of land in State or City ownership; or

(ii) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the #bulkhead# line.

**74-743**

**Special provisions for bulk modification**

(a) For a #large-scale general development#, the City Planning Commission may permit:

* * *

(9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#; ~~or~~

(10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk.; or

(11) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Halletts Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an

amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

(i) such parcel shall be made part of such #zoning lot# upon approval of such #large scale general development#, pursuant to the definition of #zoning lot# in Section 12-10, paragraph (d); and

(ii) the existing light industrial #buildings# on the separate parcel of land are demolished.

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

* * *

(8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#; ~~and~~

(9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission~~.~~; and

(10) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a) (11) of this Section, such #floor area# distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the #development# of affordable housing units within a #large scale general development#.

In addition, within the former Washington Square Southeast Urban Renewal Area, within Manhattan Community District 2, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

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**APPENDIX F**

**Inclusionary Housing Designated Areas**

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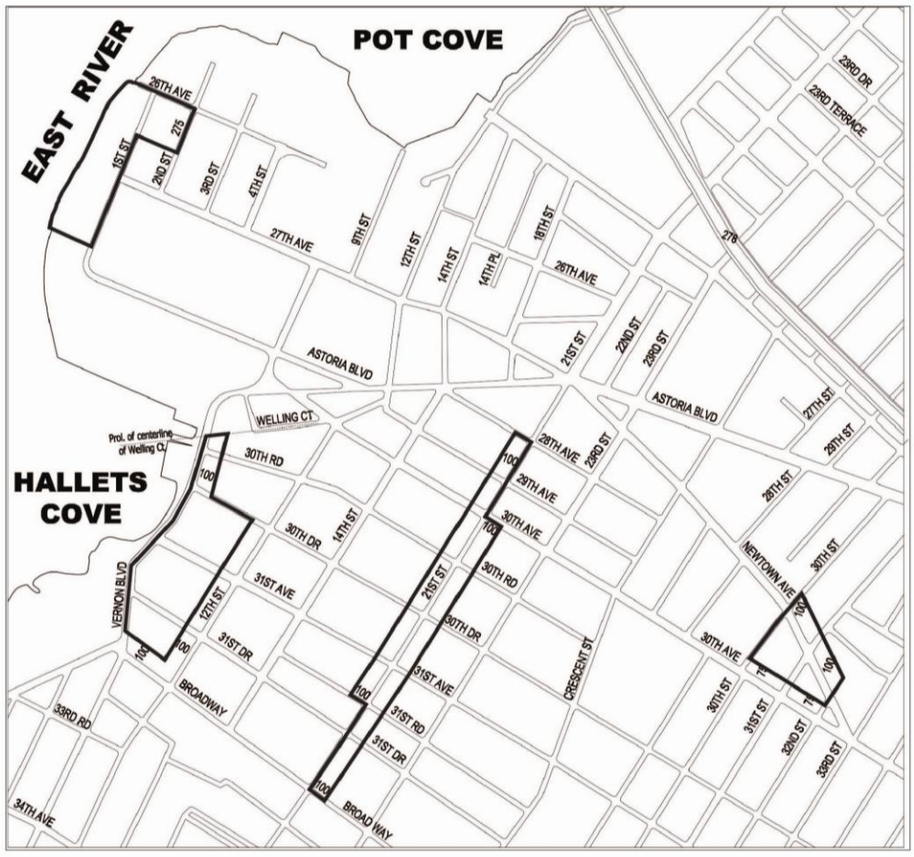
**Queens**

**Queens Community District 1**

In the R7A and R7-3 Districts within the areas shown on the following Map 1:

Map 1 –




**Community District 1, Queens**

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