



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

62-352 - Inclusionary Housing

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LAST AMENDED
10/9/2013

The provisions of Section [23-90](#) (INCLUSIONARY HOUSING), inclusive, shall apply in #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, as modified in this Section.

(a) Definitions

For the purposes of this Section, matter in italics is defined in Sections [12-10](#) or [23-911](#) (General definitions).

(b) #Floor area compensation#

(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 #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or

(ii) the amount of #low income floor area# is equal to at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, and the #moderate income floor area# is equal to at least 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(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 #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or

(ii) the amount of #low income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential# floor area#, on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(3) For #zoning lots# containing #residences# in R8 or C6-2 Districts, within a #large-scale general development# that is located in or partially within a C6 District, the #floor area# of a #zoning lot# may not exceed the base #floor area ratio# of 4.88, 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, or by 0.833 square feet for each square foot of #moderate income floor area# provided, up to a maximum #floor area ratio# of 6.5, provided that for each square foot of #floor area compensation# for #moderate income floor area#, there is one square foot of #floor area compensation# for #low income floor area#.

However, to receive such #floor area# increase, the amount of #low income floor area# plus two-thirds of the amount of #moderate income floor area# need not exceed 20 percent of the total #floor area# on all #zoning lots# in R8 or C6-2 Districts within the #large-scale general development#, exclusive of ground floor non-#residential# #floor area#, #floor area# within a #school# and #floor area# within a non-#residential building# that is vacant above the ground floor.

For the purposes of the calculations in this paragraph (b)(3), inclusive, an amount of #moderate income floor area# not exceeding 50,000 square feet may be considered #low income floor area#.

For the purposes of this paragraph (b), inclusive, #low income floor area# may be considered #moderate 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) Permits and certificates of occupancy

The requirements of paragraphs (a) and (b) of Section [23-953](#) (Additional requirements for compensated developments and MIH developments) shall be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# 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 #HPD# 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# 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 #HPD# has issued a #completion notice# with respect to the #affordable housing#.